

Montgomery County's Fiscal Year 2007 Case Processing Time Report

Executive Summary

- Montgomery County Circuit Court had 17,306 original case terminations during Fiscal Year 2007 (FY07). The Circuit Court met the state mandated within-standard percentage for domestic-relations (90%) and juvenile delinquency cases (98%). The Court's civil and criminal case processing performance was slightly below the state mandated within-standard percentage however; the Circuit Court's within-standard percentage for civil cases was 94%, compared to the state mandate of 98%, and that for criminal cases was 89%, compared to the state mandate of 98%. CINA (Shelter and Non-Shelter) and TPR cases had within-standard percentages far below that mandated by the state (100%). The Circuit Court terminated 60% of CINA Shelter cases 88% of CINA Non-Shelter cases, and 42% of TPR cases within the standard in FY07.

Table 1. Maryland Case Processing Standards and Montgomery County's FY06 and FY07 Performance

Case Type	# FY07 Montgomery County Terminations	Standard, in days	State Mandated	Percent Within-Standard		
				Montgomery County		Statewide Average, FY07 ^a
				FY06	FY07	
Civil	6,320	548	98%	95%	94%	90%
Criminal	2,485	180	98%	90%	89%	90%
Domestic, standard 1	6,722	365	90%	91%	90%	85%
Domestic, standard 2		730	98%	100%	99%	97%
Juvenile Delinquency	1,485	90	98%	99%	98%	96%
CINA Shelter	215	30	100%	70%	60%	73%
CINA Non-Shelter	48	60	100%	76%	88%	90%
TPR	31	180	100%	56%	42%	65%

^aThe statewide within-standard average percentage is weighted based on the total number of terminations reported to the State by each participating jurisdiction.

- The County's case processing performance remained relatively consistent from FY06 to FY07, except for CINA Shelter cases, which decreased from 70% within-standard to 60%, and TPR cases, which decreased from 56% to 42% within-standard. There was also an increase in the percentage of within-standard CINA Non-Shelter cases by 12% between FY06 and FY07.
- The percentage of trial postponements was greater among criminal cases (51%) as compared to civil (3%), domestic-relations (3%), juvenile delinquency (28%), CINA Shelter (44%), CINA Non-Shelter (35%), and TPR (26%) cases. Similar to FY06, the likelihood of a case being postponed and resulting in over-standard terminations was higher among criminal cases in Tracks 2, 3, and particularly 4. When excluding from the postponement analysis of criminal cases computer-generated trial schedule conflicts, the most frequent postponement reason (among Track 4 criminal cases with any postponement) was calendar conflicts among the parties. This is particularly disconcerting given that parties are aware of the trial dates several weeks in advance, and these dates are chosen by counsel. It is recommended that the Court review and make appropriate revisions to the postponement policy.

- Within each case type, the number of case terminations and the average processing times varied widely by Differentiated Case Management Track. Targeting particular Tracks that appeared to impact case processing may enhance overall performance.
- In FY07, the average case processing time for criminal, domestic-relations, juvenile delinquency, and CINA Shelter cases increased by no more than 8 days since FY06. So, while there was a decline in case processing time, it does not appear to be substantial. For CINA Non-Shelter, the average case processing time improved by 8 days as compared to FY06. Average case processing time for civil and TPR cases increased by 13 days and 58 days, respectively.
- A more thorough analysis of postponements to include pre-trial postponements may be important in order to obtain a more accurate and complete picture of the Court's case management process. More specifically, it may be useful to examine the extent to which all types of postponements (e.g., pre-trial postponements) impact case processing time. As can be surmised from this report, not all trial postponement reasons have the same impact on case processing time.
- Track-specific and case sub-type analyses, as well as an examination of the operations of ancillary court programs such as mediations/ADR and co-parenting classes may be useful to identify factors and circumstances that may impact case processing time. Such analyses can be used to guide the Court's efforts in identifying, targeting, and intervening in cases that are more likely than others to close over-standard. It may also be useful to identify the costs and benefits associated with over-standard cases. In particular, while certain programs may extend the time of a case; the outcome of such programs may divert the parties away from traditional adjudication processes, saving the Court's time and resources that are otherwise used for the processes.
- It may be of interest to have a full accounting of the reasons for inactivity in cases. Once all of the reasons for inactivity are identified, the Court can better identify which inactive periods should be excluded from the calculation of case processing time. It appears that some inactive periods are excluded from the calculation of case processing time (e.g., incompetence, stay for bankruptcy, etc.) while others are not.
- Ensuring that data quality controls are consistently implemented across case type is critical to the integrity of the analysis and ultimately the conclusions drawn from the report. Identifying cases that have an incorrectly calculated clock time could impact whether a case type is viewed as performing better or worse than in the past. Caution should also be exercised when comparing figures across fiscal years because various factors, such as data quality improvements over time, the shift in composition of cases by sub-type, and changes in the state case time standard, may explain variation in the identified improvements or declines in case processing performance.

Montgomery County's Fiscal Year 2007 Case Processing Time Report

Abstract

In order to assess Montgomery County's case processing performance for Fiscal Year 2007 (FY07), *all* cases with original closures in FY07 were included for analysis.¹ In FY07 there were a total of 17,306 original closures by the Circuit Court across civil (N = 6,320), criminal (N = 2,485), domestic-relations (N = 6,722), juvenile delinquency (N = 1,485), Child In Need of Assistance (CINA: N = 263), and Termination of Parental Rights (TPR: N = 31) cases. Of the 263 CINA cases, 215 were shelter cases and 48 were non-shelter cases. Of all of the cases with original closures, 10,393 (60%) had their case start and stop dates² during FY07.

Montgomery County's case processing performance remained largely consistent between FY06 and FY07 with the exception of CINA and TPR cases. The within-standard percentage of CINA Shelter and TPR cases both fell significantly to 60% (from 70%) and to 42% (from 56%), respectively. In contrast, CINA Non-Shelter cases experienced an increase in the percentage of within-standard cases by 12% between FY06 (76%) and FY07 (88%).

In FY06, the County met the statewide standard for both the domestic-relations standard (90% within 365 days and 99% within 730 days) and the juvenile delinquency standard (99% of juvenile cases within the 90-day standard). In FY07, the County continued meeting the standard in these case types; however, among most other case types case processing performance fell from the FY06. In most instances the decline was not substantial. When compared to other Circuit Courts in Maryland, Montgomery County's performance was above the statewide within-standard percentage for civil, domestic-relations, and juvenile delinquency cases. The Montgomery County within-standard percentages for criminal and CINA Non-Shelter cases were only slightly below the within-standard statewide percentages whereas CINA Shelter and TPR cases were at least 13% below the statewide within-standard percentages.

¹ The caseloads presented in this report do not match the caseloads reported in the County's Annual Report due to differences in case exclusion rules. The FY07 caseflow report does not include adoption, asbestos, IV-D child support, consent, domestic violence, federal tax lien, friendly suit, homeowners association, lien, Lis Pendens, recorded judgment, peace order, transfers from other jurisdictions for probation, voluntary placement, reopened, and restricted (sealed) cases. Also note that in calculating case processing time, Montgomery County Circuit Court gave a value of zero (0) for case processing time where the case started and stopped on the same day.

² In the present analysis, we use the case type-specific case start date defined the Maryland Judiciary, which does not necessarily correspond to the definitions of case start/filing or stop dates commonly used by the Court.

Civil Case Terminations

A. Civil Case Processing Definitions and Summary

	Civil Case Time Definitions	Percent Within 18-month (548 day) Standard	Additional Montgomery County Measurements
Civil Case Standards and Montgomery County Measures	<u>Case Time Start:</u> Filing of case. <u>Case Time Stop:</u> Disposition, dismissal or judgment.	<u>State-Set Goal:</u> 98% <u>Montgomery County:</u> CY 2001: 95% CY 2002: 94% CY 2003: 94% FY 2005: 96% FY 2006: 95% FY2007: 94%	<u>Filing to Service or Answer, whichever comes first:</u> CY 2001: 49 days CY 2002: 44 days CY 2003: 33 days FY 2005: 45 days FY 2006: 42 days FY 2007: 40 days <u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 291 days CY 2003: 285 days FY 2005: 206 days FY 2006: 209 days FY 2007: 222 days
Note: Civil case time is suspended for bankruptcy court stay or arbitration, interlocutory appeal, body attachment, and military leave.			

Overall Civil Case Terminations

A total of 6,320 civil cases had original closures in FY07, with an average case processing time (ACT) of 222 days. The distribution of case processing time ranged from zero (0) days for those cases that were filed and closed on the same day (514 of 6,320) to 6,038 days (1 of 6,320). Ninety-four percent of civil cases closed within the 18-month standard (N = 5,936), with an ACT of 173 days. Of the civil case closed in FY07, 384 (6%) were over-standard and had an ACT of 978 days.

Since FY04, the overall case processing performance for civil cases in Montgomery County Circuit Court has declined as evidenced by a 24-day (12%) increase in average case processing time (see Table A.2). Despite this decline in overall case processing performance, the average case processing performance for within-standard cases has remained relatively stable at between 173 and 174 days, on average since FY04. In particular, the Court consistently closed over 90% of its civil cases within-standard since FY04. The within-standard percentage remained relatively stable despite an 81% increase in the number of civil case terminations since FY04 (see Table A.2). Despite this level of stability in civil case processing among within-standard civil cases, Montgomery County Circuit Court has yet to meet the within-standard goal of 98% set by the State.

Table A.1. Number of Civil Case Terminations FY04 through FY07

	Terminations		Within-Standard Terminations (18-month Standard)			Over-Standard Terminations (18-month Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978

* ACT = Average Case Time, in days.

Table A.2. Change in Civil Case Processing FY04 through FY07

	Change in Terminations		Change in Within-Standard Terminations (18-month Standard)		Change in Over Standard Terminations (18-month Standard)	
	N	ACT*	N	ACT*	N	ACT*
FY04 to FY05	2,607 (76%)	8 (4%)	2,471 (76%)	0 (0%)	136 (94%)	124 (16%)
FY05 to FY06	-477 (-8%)	3 (1%)	-459 (-8%)	1 (1%)	-18 (-6%)	17 (2%)
FY06 to FY07	775 (14%)	13 (6%)	653 (12%)	-1 (-1%)	122 (47%)	63 (7%)
FY04 to FY07	2,905 (85%)	24 (12%)	2,665 (81%)	0 (0%)	240 (167%)	204 (26%)

* ACT = Average Case Time, in days.

To explore further the trend in case processing performance for civil cases, Table A.2 provides information on the changes in the number of civil cases closed and the ACT since FY04 for all cases, as well as those terminated within- and over-standard. Of particular interest was the substantial increase in over-standard cases since FY04. The number of over-standard civil cases increased by 167% between FY04 and FY07, and the ACT increased by 26% during this period. The increase in the ACT for over-standard civil cases between FY04 and FY07 resulted in the 12% increase in the overall ACT for civil terminations since there was no change in the ACT for within-standard civil cases during this same period.

Thus while the Court has been successfully processing the majority of the cases with the same level of efficiency since FY04, it failed to process cases that resulted in over-standard terminations in the same fashion. Given that the number and average clock time of over-standard terminations is rising, additional analyses are needed to examine the factors that influence case processing time for these over-standard civil cases.

Chart A.1 displays the percentage of over-standard civil cases by case sub-type whereas Chart A.2 displays the percentage for within-standard civil cases by case sub-type. Analyzing the case sub-type for over- and within-standard cases may provide insight on subsequent analyses that should be performed to further examine case time processing. The charts revealed that for both over- and within-standard civil cases, foreclosures and contracts constituted a large percentage of civil case closures in

FY07 and they represent about the same percentage in within- and over-standard terminations (Foreclosures: 30%, Contracts: 20%). “Other law” civil cases are over-represented among within-standard terminations (9.4% in over-standard terminations (Chart A1) vs. 19.6% in within-standard terminations (Chart A.2)) whereas “Other Torts” and “Motor Torts” cases comprised an equally large percentage of over-standard cases (19.8% and 18.2%, respectively, in over-standard terminations (Chart A.1.) vs. 8.0% and 8.3% respectively in within-standard terminations (Chart A.2)). Additionally, all cases in the following five sub-types were terminated within-standard in FY07: District Court Appeals (over and under \$5,000), State Road Petition, Miscellaneous Petition, and Confessed Judgment cases. Eight percent of within-standard civil case terminations were characterized as one of these five civil sub-types (485 of 5,936). Future analyses may examine whether certain civil sub-types consistently close within-standard and if so, whether and how distributions of these cases affect the percentage within-standard terminations and the average case processing time for within-standard cases, which may explain the limited variation in the within-standard ACT over time. It also may be useful to examine those civil sub-types that represented a large percentage of over-standard cases (e.g., foreclosures and contracts) to identify the factors that led to these cases closing over-standard, given that an equally large percentage of these civil sub-types also closed within-standard.

Chart A.1
Distribution of Over-Standard Civil Case Terminations
by Case Sub-Type, FY2007

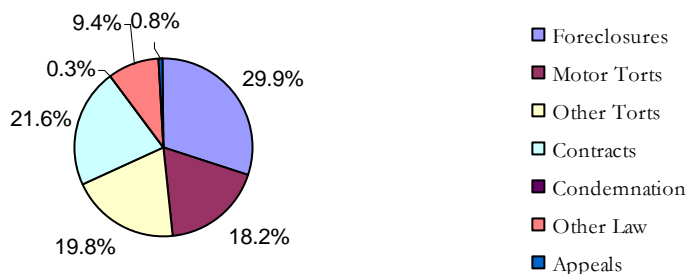


Chart A.2
Distribution of Within-Standard Civil Case Terminations
by Case Sub-Type, FY2007

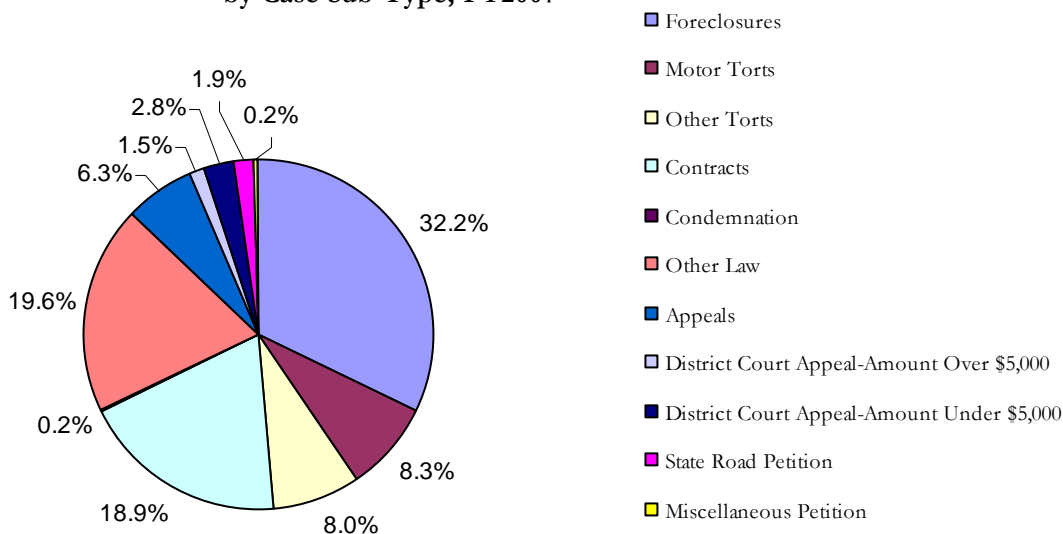


Figure A.1 provides the distribution of the case processing time among the 348 over-standard civil cases. Of the 384 cases that closed over-standard in FY07, approximately twenty-five percent closed within two and half months over the 548-day standard (N = 96). Three percent of cases closed within a week over-standard and 14% (N = 54) closed less than a month over-standard. According to Table A.3, it may be most appropriate to target Court resources at civil cases in Tracks 0, 2, 3, and 4 in future efforts to reduce the number of over-standard cases. Cases assigned to these tracks had average case times that were only slightly over-standard (see the 5th percentile column in Table A.3). Considering the overall number of case terminations by Track, it may be particularly effective to focus on Track 3 where 40% of the civil over-standard terminations occurred in FY07.

Table A.3 Distribution of Over-Standard Civil Cases by Clock Time and Track, FY07

Track	N	(%)	Mean	Median	Percentile						Maximum
					5	10	25	75	90	95	
Track 0	11	(3%)	893	735	551	613	631	897	1,147	2,397	2,397
Track 2	46	(12%)	1,072	674	557	560	606	1,003	2,797	2,988	3,972
Track 3	153	(40%)	796	682	558	563	611	821	1,011	1,216	3,788
Track 4	51	(13%)	772	673	557	576	595	874	1,061	1,142	1,948
Track 6	5	(1%)	1,038	832	667	667	736	1,300	1,655	1,655	1,655
Track N	118	(31%)	1,271	895	562	574	646	1,603	2,651	3,137	6,038
Total	384	(100%)	978	721	558	567	616	954	1,710	2,662	6,038

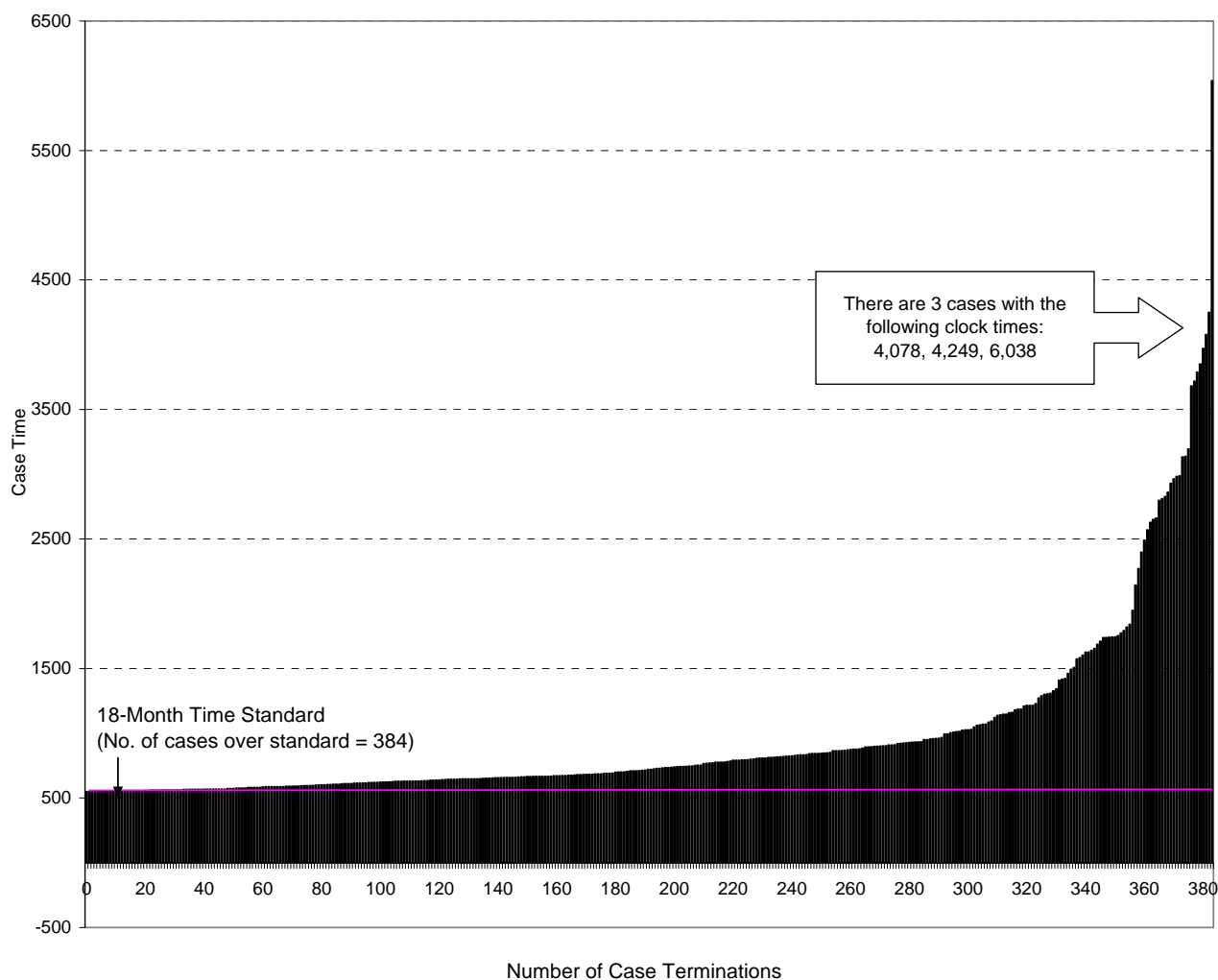


Figure A.1 Civil Case Terminations that are over the 18-month Standard, FY07

Case Terminations by Track

Montgomery County's Differentiated Case Management (DCM) plan established six tracks for civil cases. A brief description of each follows:

- Track 0: Legal cases with no discovery, or legal issues not requiring formal discovery. This track includes the following types of cases: District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Landlord and Tenant Jury Demands and Appeals, and Sale in Lieu of Partition (excluding divorce). (N = 871; N = 853 in FY06)
- Track 1: Domestic – Track 1 has been dissolved. All new family cases are filed under the Family Division Tracking System and therefore, Track 1 cases are excluded from the civil tables. (N = 0; N = 0 in FY06)
- Track 2: Expedited – ½ day to 1 day trial estimate. This track (primarily) includes the following types of cases: Worker Compensation and Civil Jury Demands from the District Court. (N = 1,182; N = 1,193 in FY06)
- Track 3: Routine – 1 to 3 day trial estimate. This track includes the following types of cases: Auto Negligence-Personal Injury and Property Damage, Negligence-Personal Injury, Property Damage, and Slip and Fall, Breach of Agreement, Breach of Contract, Negligent Entrustment, Violation of Rights, Defamation of Character-Negligence, Wrongful Discharge, etc. (N = 1,286; N = 1,152 in FY06)
- Track 4: Complex – 3 or more day trial estimate. This track includes the following types of cases: Medical Malpractice, Legal Malpractice, Abuse cases, Fraud cases, Defamation of Character, etc. (N = 189; N = 179 in FY06)
- Track 5: Expedited – Business and Technology immediate service. (N = 0; N = 7 in FY06)
- Track 6: Standard – Business and Technology standard. (N = 12; N = 11 in FY06)
- Track N: Administratively tracked/Non-litigation. For FY07, the majority of Track N civil cases consist of Foreclosures (72%) followed by Other Law cases (20%). (N = 2,780, N = 2,150 in FY06)

Table A.4 presents the breakdown of civil cases by DCM track and their average processing time for within- and over-standard cases. As the first section of the table shows, 44% of the terminated cases were Non-Tracked, nearly 20% were from Tracks 2 and 3 (19% and 20%, respectively), and 14% were Track 0 cases. The cases from these four tracks comprised 97% of all the FY07 civil terminations. The overall ACT for civil cases was 222 days. Track 6 cases had the highest ACT at 658 days, followed by cases assigned to Tracks 3 and 4 (344 and 418 days, respectively). It is important to note that there were only 12 cases assigned to Track 6 and the distribution of case times for these cases ranges from 160 days to 1,655 days. There are two Track 6 cases that have substantially long case processing times in comparison to the other 10 cases (1,300 days and 1,655 days). Given these two outliers in the Track 6 data, the median case processing time was calculated (results not displayed in report tables). The median analysis revealed the same pattern as the mean analysis in that Track 6 cases had the highest median value of 525 days followed by Track 4 cases (411 days) and Track 3 cases (334 days). Track 0 cases had the shortest ACT at 123 days, slightly over 4 months and a median case time of 83 days.

Of the cases constituting 97% of all the FY07 civil terminations (i.e., those in Tracks 0, 2, 3, as well as Non-Tracked cases), only Track 0 cases met the state compliance rate of 98% case closures within-standard. Track 2 and N cases almost met the state compliance standard with a within-standard percentage of 96%. This finding was similar to FY06, in which Tracks 0 and 2 met the state compliance rate whereas cases in Tracks N and 3 did not. In addition, similar to FY06, over 70% of the FY07 over-standard terminations were cases in Tracks 3 and N in FY07. Track N cases comprised 40% of all the FY07 civil terminations and comprised 31% of the over-standard cases. Similarly, Track 3 cases

constituted 20% of all the FY07 civil terminations and comprised 40% of the over-standard terminations. Additionally, although Track 4 cases constituted only 3% of the FY07 civil terminations, 13% of the over-standard terminations were Track 4 cases.

As mentioned above, Track N and Track 3 account for over 70% the over-standard cases for FY07. One potential way to improve the efficiency of civil processing for FY08 may be to focus on the cases in these tracks, in particular Track 3 cases, which are over-represented in over-standard cases. Given the size of the terminated caseload among these tracks, improving the case processing for Track N and Track 3 cases may be critical. It may be equally important to further improve the efficiency of case processing for Track 4 cases, which are also over-represented in over-standard cases (13% in over-standard terminations vs. 3% the overall terminations). Even a small improvement in the case processing time for these Tracked cases may contribute to an overall improvement in case processing efficiency.

The largest discrepancy in ACT between cases that terminated within-standard and those that terminated over-standard occurred with the Track N cases. Overall, the ACT for Track N cases is 175 days. The vast majority (96%) of Track N cases closed within-standard, with an ACT of 126 days. The remaining 4% of Track N cases averaged 1,271 days, over ten times as long as the within-standard ACT. It may be worthwhile to examine the case processing time and the percentage within-standard of cases in Track N by case sub-type to see if particular sub-types were responsible for a larger clock times as well as lower within-standard percentage.

Table A.4. FY07 Civil Case Terminations by Termination Status (Within or Over the 18-month Standard) and Track

	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 0	871	14%	123	860	99%	15%	113	11	1%	3%	893
Track 2	1,182	19%	238	1,136	96%	19%	204	46	4%	12%	1,072
Track 3	1,286	20%	344	1,133	88%	19%	283	153	12%	40%	796
Track 4	189	3%	418	138	73%	2%	287	51	27%	13%	772
Track 5	---	---	---	---	---	---	---	---	---	---	---
Track 6	12	< 1%	658	7	58%	< 1%	386	5	42%	1%	1,038
Track N	2,780	44%	175	2,662	96%	45%	126	118	4%	31%	1,271
Total	6,320	100%	222	5,936	94%	100%	173	384	6%	100%	978

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Table A.5. FY07 Civil Case Terminations by Case Start Time (i.e., Filing Date), Termination Status (Within or Over the 18-month Standard), and Track

Total Terminations		Filed Before FY07									Filed During FY07		
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations			Overall Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*	N	% of Total	ACT*
Track 0	871	278	9%	209	267	96%	181	11	4%	893	593	19%	83
Track 2	1,182	763	24%	288	717	94%	238	46	6%	1,072	419	14%	147
Track 3	1,286	965	30%	416	812	84%	344	153	16%	796	321	10%	127
Track 4	189	157	5%	481	106	68%	341	51	32%	772	32	1%	110
Track 5	---	---	---	---	---	---	---	---	---	---	---	---	---
Track 6	12	11	< 1%	703	6	55%	424	5	45%	1,038	1	< 1%	160
Track N	2,780	1,067	33%	369	949	89%	257	118	11%	1,271	1,713	56%	54
Total	6,320	3,241	100%	357	2,857	88%	273	384	12%	978	3,079	100%	81

* ACT = Average Case Time, in days.

Note: All terminations filed during FY07 are, by definition, within standard, as the standard is greater than 365 days. Percentages do not always add to 100% due to rounding.

Case Terminations by Case Start Time

The Maryland Judiciary has defined the case start time for each major case type (i.e., civil, criminal, domestic-relations, juvenile, CINA, and TPR cases). For Circuit Court civil cases, the State-defined case start time is the date of case filing. An examination of the FY07 civil case terminations revealed that the cases were virtually split evenly between those that were filed prior to FY07 (3,241/6,320) and those that were filed during FY07 (3,079/6,320) (see Table A.5). Because of the length of the case time standard (548 days,) there were no civil cases that were filed during FY07 that closed over-standard.

The majority of the Track 0 (593/871) and Track N (1,713/2,780) cases were filed during FY07 (68% and 62%, respectively) whereas the majority of civil cases assigned to Tracks 2, 3, 4, and 6 were filed prior to FY07. In fact, among cases assigned to Tracks 2, 3, 4, and 6 the percentage filed before FY07 ranged from 65% to 92%.

Of the cases filed during FY07, Track N cases comprised the majority of those filings (56%) followed by Track 0 cases (19%). Similar to FY06, the percentage of cases that were filed during FY07 was substantially lower for Tracks 2, 3, and 4 as compared to the percentage of cases assigned to Track N (and to a lesser extent Track 0).

Case Terminations by Trial Postponements

As shown in Table A.6., only 210 cases had trial postponements, constituting only 3% of all the civil terminations for FY07. Of the cases with trial postponements, almost three-fourths (71%) closed within-standard. In addition, all of the Track N and Track 0 cases as well as 83% of Track 2 cases that had trial postponements closed within-standard. In contrast, over half of the Track 3 and Track 4 postponed cases closed over-standard (51% and 87%, respectively). Interestingly, the average case time among over-standard civil cases without trial postponements was higher than for those with trial postponements (1,016 days and 771 days, respectively). This is particularly true for cases in Tracks 2 and 3 where the clock time among over-standard cases without postponements is greater than that of the over-standard cases with postponements (1,165 days vs. 735 days and 730 days vs. 817 days, respectively). In contrast, in more complex cases in Tracks 4 and 6, which may involve the full court proceedings, the average clock time of over-standard cases with trial-postponements is greater than that of the over-standard cases without postponements. In addition, over 50% of the over-standard cases without trial postponements were either foreclosure or contract cases (36% and 21%, respectively). Subsequent analyses should examine whether other types of postponements such as pre-trial postponements are responsible for such large case processing times among cases without trial postponements in conjunction with Track and the sub-type of these cases.

As noted in the FY06 report, trial postponements in general did not seem to directly impact whether civil cases closed over-standard in FY07. Even if all 60 of the postponed, over-standard cases had somehow closed within-standard, the Court's compliance with the state mandated within-standard percentage would have only increased to 95% (as opposed to 94%).

Among over-standard cases that had trial postponements, 60% were from Track 3 (36/60) and 22% (13/60) were from Track 4. Given that Track 3 and Track 4 cases were disproportionately represented among over-standard postponed terminations, reducing the frequency of trial postponements in these tracks might lead to a substantial reduction in the number of over-standard terminations and improvement in case processing performance.

Trial postponements did not explain the entirety of why Track 3 and Track 4 cases were more likely to be over-standard. Ten percent of Track 3 cases that were not postponed still closed over the time standard (117/1,215) and 22% of Track 4 cases that were not postponed cases still failed to close within the time standard (38/174). The percentage of non-postponed cases in other tracks including Track N that closed over-standard ranged from 1% to 4%.³ Because the percentage of Track 4 cases and to a lesser extent, Track 3 cases were over-standard without trial postponements, factors other than trial postponements appear to be impacting the processing time of these cases.

Table A.6. FY07 Civil Case Terminations by Trial Postponements, Termination Status (Within or Over the 18-month Standard), and Track

<u>With Trial Postponements</u>										
	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	871	62	7%	123	62	100%	123	0	---	---
Track 2	1,182	58	5%	441	48	83%	379	10	17%	735
Track 3	1,286	71	6%	620	35	49%	506	36	51%	730
Track 4	189	15	8%	802	2	13%	508	13	87%	847
Track 5	---	---	---	---	---	---	---	---	---	---
Track 6	12	1	8%	1,655	0	---	---	1	100%	1,655
Track N	2,780	3	< 1%	115	3	100%	115	0	---	---
Total	6,320	210	3%	434	150	71%	299	60	29%	771
<u>Without Trial Postponements</u>										
	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	871	809	93%	123	798	99%	113	11	1%	893
Track 2	1,182	1,124	95%	228	1,088	97%	196	36	3%	1,165
Track 3	1,286	1,215	95%	328	1,098	90%	276	117	10%	817
Track 4	189	174	92%	385	136	78%	284	38	22%	746
Track 5	---	---	---	---	---	---	---	---	---	---
Track 6	12	11	92%	567	7	64%	386	4	36%	884
Track N	2,780	2,777	100%	175	2,659	96%	126	118	4%	1,271
Total	6,320	6,110	97%	215	5,786	95%	170	324	5%	1,016

* ACT = Average case time, in days.

Case Terminations by the Number of and Reasons for Trial Postponements

Seventy-nine percent of terminated civil cases had one trial postponement, 14% had two trial postponements, and approximately 8% had three or more postponements (see Table A.7). Over half of the over-standard civil case terminations that had trial postponements were postponed only once (58%). Of the postponed cases that closed within-standard (n = 150), eighty-seven percent were postponed once and approximately 13% had 2 or more postponements (results not reported in tables). Needless to say, greater the number of postponements is, higher the likelihood of over-standard terminations. In particular, the likelihood doubles from 38% to 87% when the number of trial-postponements increases from 2 to 3.

³ Given the small number of Track 6 cases (N = 12), caution should be exercised when drawing conclusions from the analysis of these cases. Table A.6 reveals that the majority of Track 6 cases did not have trial postponements (92%).

Table A.8 provides the distribution of the 272 trial postponement reasons for the 210 cases that were postponed at least once, and the 100 reasons for the subset of 60 cases with trial postponements that closed over-standard. Similar to FY06, postponing a case due to “Calendar Conflicts-Party Needs To Get Affairs In Order” was the most frequent reason for postponing a case in FY07.

The last column of the table provides the percentage of time that each trial postponement reason resulted in a case closing over-standard. For example, of the cases that reported “Calendar Conflict-Party Needs to Get Affairs in Order” was the reason for postponing the case, 22% terminated over-standard (14 of 63). Thus, the greater the percentage for any reason given, the greater the likelihood a case with that reason terminated over-standard. There were only three reasons for trial postponements that were just more likely (or equally likely) to result in over-standard as opposed to within-standard terminations for civil cases. Fifty-one percent of the trial postponements due to “Discovery Disputes” led to over-standard cases, as well as 65% of the “Complainant/Consolidation Pending/Complaint Not an Issue” and 67% of the “Judge Unable to Reach Court Event (e.g., illness, scheduling conflict)” led to over-standard as opposed to within-standard terminations. It is important to note that postponements do not necessarily lead to over-standard cases. It would be interesting to examine the time period in which postponements took place during a case. For instance, the Court may want to explore the extent to which cases are already over-standard when postponements are granted.

Table A.7. Postponed Civil Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Cases		Over-Standard Cases		% of Over-Standard Cases/ All Cases
	N	%	N	%	
1	165	79%	35	58%	21%
2	29	14%	11	18%	38%
3	15	7%	13	22%	87%
4	1	< 1%	1	2%	100%
Total	210	100%	60	100%	29%

Note: Percentages do not always add to 100% due to rounding.

Table A.8. Reasons for Trial Postponements by Termination Status for Civil Cases, FY07

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% Over Standard/All Cases
		N	(%)	N	(%)	
1	Calendar Conflict – Party Needs to Get Affairs in Order	63	23%	14	14%	22%
2	Illness/Medical Emergency or Death	52	19%	22	22%	42%
3	Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	51	19%	26	26%	51%
4	Vacation Plans/Religious Reasons	23	9%	4	4%	17%
5	Witness Unavailable – New Witness Identified	21	8%	9	9%	43%
6	New Complaint, Petition, 3rd Party Complaint, or Consolidation					
	Pending/Complaint Not at Issue or Ripe	17	6%	11	11%	65%
7	Case Not Reached or Was on the To-Be-Assigned Docket and Not Reached	9	3%	3	3%	33%
8	New Counsel Sought or Has Entered their Appearance or Not Appointed	8	3%	1	1%	13%
9	Settlement, Plea or Reconciliation in Progress	8	3%	2	2%	25%
10	Judge Unable to Reach Court Event (e.g. Illness, Scheduling Conflict)	6	2%	4	4%	67%
11	Increase/Decrease Court Time/Track Change/to Trail Behind Another Case	4	2%	1	1%	25%
12	Party(s) Did Not Receive Notice Of Court Date	4	2%	1	1%	25%
13	Pending Motions to Be Heard or Ruled on	3	1%	1	1%	33%
14	Defendant/Respondent Is Participating in a Rehabilitation Program	1	< 1%		0%	0%
15	Interpreter or ADA Special Needs Requested	1	< 1%		0%	0%
16	Weather/Court Emergencies/Administrative Court Closure	1	< 1%	1	1%	100%
	Total	272	100%	100	100%	37%

Note: Percentages do not always add to 100% due to rounding.

Supplemental Civil Analysis

A supplemental analysis of Montgomery County's FY07 civil terminated caseload was conducted to examine the impact of removing a select group of foreclosure cases (N = 197) on case processing performance⁴. The reason for removing the identified foreclosure cases was because these

⁴ We performed another supplemental analysis of the impact of removing nine cases with particularly long clock times on the overall case processing performance. These nine cases were identified by the Court Administration because they should have been closed prior to FY2007 but were not due to unspecific reasons. All these cases were over-standard with their clock time ranging from 1,016 to 3,972 days. Our analysis revealed that the percentage of within-standard and over-standard cases remained unchanged at 94% and 6%, respectively before and after the removal of these cases though the ACT for over-standard cases declined with the removal of these cases (978 to 941 days). We found similar results in the analysis of

197 cases were affected by a recent policy change in how the Court manages foreclosure case closed pursuant to Maryland Rule 2-507. As such, this supplemental analysis provides insight on the extent to which removing these 197 cases impact civil case processing performance.

In short, we found that the impact of removing these cases was minimal primarily because 86% of the cases were closed within-standard. As shown in Table 1, 16% of the 197 foreclosure case terminations are over-standard, compared to 6% among the FY2007 overall civil case terminations. The mean and median case time for the 31 over-standard cases are 2,202 and 2,491 days, respectively with the maximum ACT of 6,038 days. At the same time, 84% of the 197 cases were closed within the 548-day standard with mean and median ACT of 120 and 52, respectively. Thus, while some of the foreclosure cases were truly over-standard cases with an extraordinary long clock time as we expected, the majority of them appeared to be performing within the time standard. As a result, we found the impact of removing the 197 foreclosure cases on the Court's overall civil case processing to be minimal.

Table 1-Supplemental Analysis. Descriptive Statistics of 197 Foreclosure Cases Removed from the FY2007 Montgomery County Circuit Court Caseflow Assessment Data

	N	%	Mean ACT	Median	Minimum	Maximum
Within Standard	166	84%	120	52	7	547
Over Standard	31	16%	2,202	2,491	563	6,038
Total	197	100%	448	64	7	6,038

As show in Table 2, the percentage of within-standard cases remained unchanged at 94% before and after we removed the subset of foreclosure cases. However, the ACT of over-standard cases appreciatively declined from 978 to 870 days.

Table 2-Supplemental Analysis. Number of Civil Case Terminations before and after the Removal of the 197 Foreclosure Cases, FY2007

	Terminations		Within-Standard Terminations (18-month Standard)			Over-Standard Terminations (18-month Standard)		
			% of Total		ACT*	% of Total		ACT*
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
Before Removal	6,320	222	5,936	94%	173	384	6%	978
After Removal	6,123	215	5,770	94%	175	353	6%	870

Table 3 provides Track-specific changes in case processing metrics due to the removal of 197 foreclosures cases. The Tracks not listed in Table 3 exhibited no change in the identified case processing metrics. According to the Table, changes in case processing metrics occurred in Tracks 2, 3, and N. The most dramatic changes occurred in Track N cases. While the focus of this supplemental analysis was on foreclosure cases affected by the Court's recent policy change, case processing metrics for other civil sub-types were also recently updated, which explains the variation in case processing time for Tracks noted in Table 3 other than N.

While most of the numbers in Table 3 are fairly comparable, the ACT for over-standard Track N cases declined substantially from 1,271 to 963 due to the removal of the 31 over-standard foreclosure cases. Interestingly, the ACT for Track-N within-standard cases increased slightly from

case terminations by Track, case filing period (before vs. during FY2007, Tables available upon request), and trial postponements. Overall, we found that removing these cases impacted the ACT of primarily over-standard cases (Tables available upon request).

126 to 128 due mainly to the removal of the 180 foreclosure cases. We found similar results in the analysis of case terminations by Track and case filing period (before vs. during FY2007, Tables available upon request). In the analysis of case terminations by trial postponements, termination status (within vs. over the 18-month standard), and Track, we also found minimal impact of the removal of the 197 foreclosure cases on case processing because only one case that was removed had a trial postponement (Tables available upon request). While the ACT did decrease with the removal of these cases, the number of over-standard cases without trial postponements and their corresponding case processing time continues to be greater than that for over-standard cases with such postponements (N= 294, 890 versus N = 59, 774 days, respectively).

Table 3-Supplemental Analysis. FY2007 Civil Case Terminations by Termination Status before and after the Removal of the 197 Foreclosure Cases, Tracks 3 and N

	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	% of Total	ACT	N	% of WST	ACT	N	% of OST	ACT
Before the Removal of 197 Cases & Other Changes									
Track 2	1,182	19%	238	1,136	19%	204	46	12%	1,072
Track 3	1,286	20%	344	1,133	19%	283	153	40%	796
Track N	2,780	44%	175	2,662	45%	126	118	31%	1,271
Total	6,320	100%	227	5,923	100%	173	397	100%	1,027
After the Removal of 197 Cases & Other Changes									
Track 2	1,172	19%	235	1,129	20%	204	43	12%	1,046
Track 3	1,280	21%	343	1,129	20%	283	151	43%	790
Track N	2,600	43%	157	2,508	44%	128	92	26%	963
Total	6,123	100%	215	5,770	94%	175	353	6%	870

Based on our analysis, it does not appear that removing a subset of the foreclosure cases addresses the concern raised about the increased processing time for over-standard civil terminations. In fact, cases in Tracks other than 'N' such as 2 and 6 have average case processing times over 1,000 days, and additional investigation may be necessary to completely understand why decreases in case processing performance have occurred in FY2007 with special focus on cases with particularly large clock times.

Summary of Civil Findings

- A total of 6,320 civil cases had original closures in FY07, with an average case processing time (ACT) of 222 days. The overall ACT for civil cases closed in FY07 is 6% higher as compared to the ACT for FY06. In fact, there was a 12% increase in overall case processing time for civil cases since FY04.
- Ninety-four percent of civil cases closed in FY07 were within the 18-month standard (548 days). The ACT among within-standard cases was 173 days compared to 978 days for over-standard cases.
- Since FY04, the Circuit Court has consistently closed over 90% of its civil cases within-standard. However, despite this level of stability in within-standard civil case processing, Montgomery County Circuit Court has yet to meet the within-standard goal of 98% set by the State.

- Civil cases from Tracks 0, 2, 3, and N comprise 97% of all the FY07 civil case closures. Only Track 0 cases met the state compliance rate of 98% case closures within-standard. Non-Tracked cases comprised 31% of the over-standard terminations, and Track 3 cases made up 40% of the over-standard terminations.
- While Track 4 cases constituted only 3% of the FY07 civil terminations, such cases accounted for 13% of the over-standard terminations.
- Overall, only 210 cases had trial postponements constituting only 3% of all the civil terminations for FY07. Of the cases with trial postponements, almost three-fourths (71%) closed within-standard. Over half of the Track 3 and Track 4 postponed cases closed over-standard.
- Even if all 60 of the postponed, over-standard cases had somehow closed with-standard, the Court's compliance with the standard would have only increased to 95% (3% below the state mandated within-standard percentage of 98%).

Civil Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time. Approximately 85% of over-standard civil cases closed without any trial postponements. Subsequent analysis should explore whether pre-trial postponements are contributing to the large case processing time for a majority of the over-standard cases.
- Analyze the impact of postponements on case processing time only for those instances where the time associated with the postponement is not suspended.
- Examine whether certain civil sub-types consistently close within-standard and, if so, examine whether and how these case sub-types may (in some way) affect the average case process time for within-standard cases as well as the percentage within-standard. It also may be useful to examine those civil sub-types that represent a large percentage of over-standard cases (e.g., foreclosures and contracts) to identify factors that led to the case closing over-standard, given a large percentage of these cases also tend to close within-standard.
- Improve the case processing for Non-Tracked and Track 3 cases. These cases have large terminated caseloads and are over-represented in the over-standard terminations. It may be equally important to further improve the efficiency of case processing for Track 4 cases. Even a small improvement in the case processing time for these Tracked cases may contribute to an overall improvement in case processing efficiency.
- Examine the costs and benefits associated with within- and over-standard case processing times as there may be benefits associated with cases closing over-standard.

Criminal Case Terminations

B. Criminal Case Processing Definitions and Summary

	Criminal Case Time Definitions	Percent Within 6 Month (180 day) Standard	Additional Montgomery County Measurements
Criminal Case Standards and Montgomery County Measures	<p><u>Case Time Start:</u> First appearance of defendant or entry of appearance by counsel</p> <p><u>Case Time Stop:</u> Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding)</p>	<p><u>State-Set Goal:</u> 98%</p> <p><u>Montgomery County:</u> CY 2001: 96% CY 2002: 91% CY 2003: 90% FY 2005: 90% FY 2006: 90% FY 2007: 89%</p>	<p><u>Arrest/Service to Filing:</u> CY 2001: 121 days CY 2002: 138 days CY 2003: 124 days FY 2005: 125 days FY 2006: 121 days FY 2007: 121 days</p> <p><u>Filing to First Appearance:</u> CY 2001: 12 days CY 2002: 18 days CY 2003: 15 days FY 2005: 19 days FY 2006: 18 days FY 2007: 17 days</p> <p><u>Verdict to Sentence:</u> CY 2001: 24 days CY 2002: 46 days CY 2003: 51 days FY 2005: 108 days FY 2006: 88 days FY 2007: 117 days</p> <p><u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 89 days CY 2003: 89 days FY 2005: 86 days FY 2006: 84 days FY 2007: 92 days</p>
<p>Note: Criminal case time is suspended for bench warrant, failure to appear, mistrial, NCR evaluation, petition for reverse waiver, competency evaluation, PSI order, pre-sentencing treatment program, interlocutory appeal, military leave, pre-trial sentencing treatment, and DNA testing.</p>			

Overall Criminal Case Terminations

The number of original criminal case terminations during Fiscal Year 2007 (FY07, 2,485) remained virtually unchanged from FY06. However, the percentage of cases closed within the state 6-month standard fell slightly to 89% in FY07 from 90% in FY06, below the state goal of 98%. The overall average case processing time (ACT) was 92 days, 8 days greater than that of FY06. The ACT for the 2,205 within-standard cases was 66 days, only a day longer than the ACT for FY06. In contrast, the ACT for the 280 cases that failed to meet the time standard was 295 days, 35 days longer than the FY06 average.

Table B.1. Number of Criminal Case Terminations FY04 through FY07

	Terminations		Within-Standard Terminations (6-month Standard)			Over-standard Terminations (6-month Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	2,035	94	1,852	91%	63	183	9%	402
FY05	2,383	86	2,155	90%	65	228	10%	286
FY06	2,481	84	2,239	90%	65	242	10%	260
FY07	2,485	92	2,205	89%	66	280	11%	295

* ACT = Average Case Time, in days.

Table B.2. Change in Criminal Case Processing FY04 through FY07

	Change in Overall Terminations		Change in Within-Standard Terminations (6-month Standard)		Change in Over-Standard Terminations (6-month Standard)	
	N	ACT*	N	ACT*	N	ACT*
FY04 to FY05	348 (17%)	-8 (-9%)	383 (16%)	2 (3%)	45 (25%)	-116 (-29%)
FY05 to FY06	98 (4%)	-2 (-2%)	84 (4%)	0 (0.0%)	14 (6%)	-26 (-9%)
FY06 to FY07	4 (<1%)	8 (10%)	-34 (-2%)	1 (2%)	38 (16%)	35 (14%)
FY04 to FY07	450 (22%)	-2 (-2%)	353 (19%)	3 (5%)	97 (53%)	-107 (-27%)

* ACT = Average Case Time, in days.

As shown on Table B.2, between FY04 and FY07, the number of case terminations increased by 22%, though the majority of which took place between FY04 and FY06. The number of within-standard case terminations increased equally by 19% during the same period; however, the number actually declined between FY06 and FY07. Reduction in within-standard terminations during the FY06-07 period was compensated by the much larger increase in over-standard terminations, a 16% increase. Overall, the number of over-standard terminations increased by more than 50% between FY04 and FY07. As mentioned, while the average ACT among within-standard terminations has remained nearly unchanged, that of over-standard terminations, which exhibited a substantial decline between FY04 and FY05, appears to have been creeping up. The observed increase in the number of over-standard terminations, the within-standard termination rate falling from the 90% threshold for the first time in 4 years, and the large increase in the clock time among over-standard terminations may suggest a turning point in the Court's processing performance of criminal cases.

At a first glance, the FY07 figures seemed to suggest that the Court's criminal case management has slipped. However, it appears as though the substantially increased ACT among over-standard case terminations was largely caused by a handful of cases that had experienced an extremely large clock time, ranging from 2,300 to 6,700 days (see chart below). Without these cases, the ACT among over-standard cases was 257 days, equivalent to the FY06 level. Thus, the amount of time the Court utilized to process the majority of criminal cases was at the FY06 level. However, the declined within-standard percentage was a clear indication that the Court was somehow unable to process the same number of cases as in the past. As we noted below, additional investigation is needed to identify factors that have contributed to the lowered outcome.

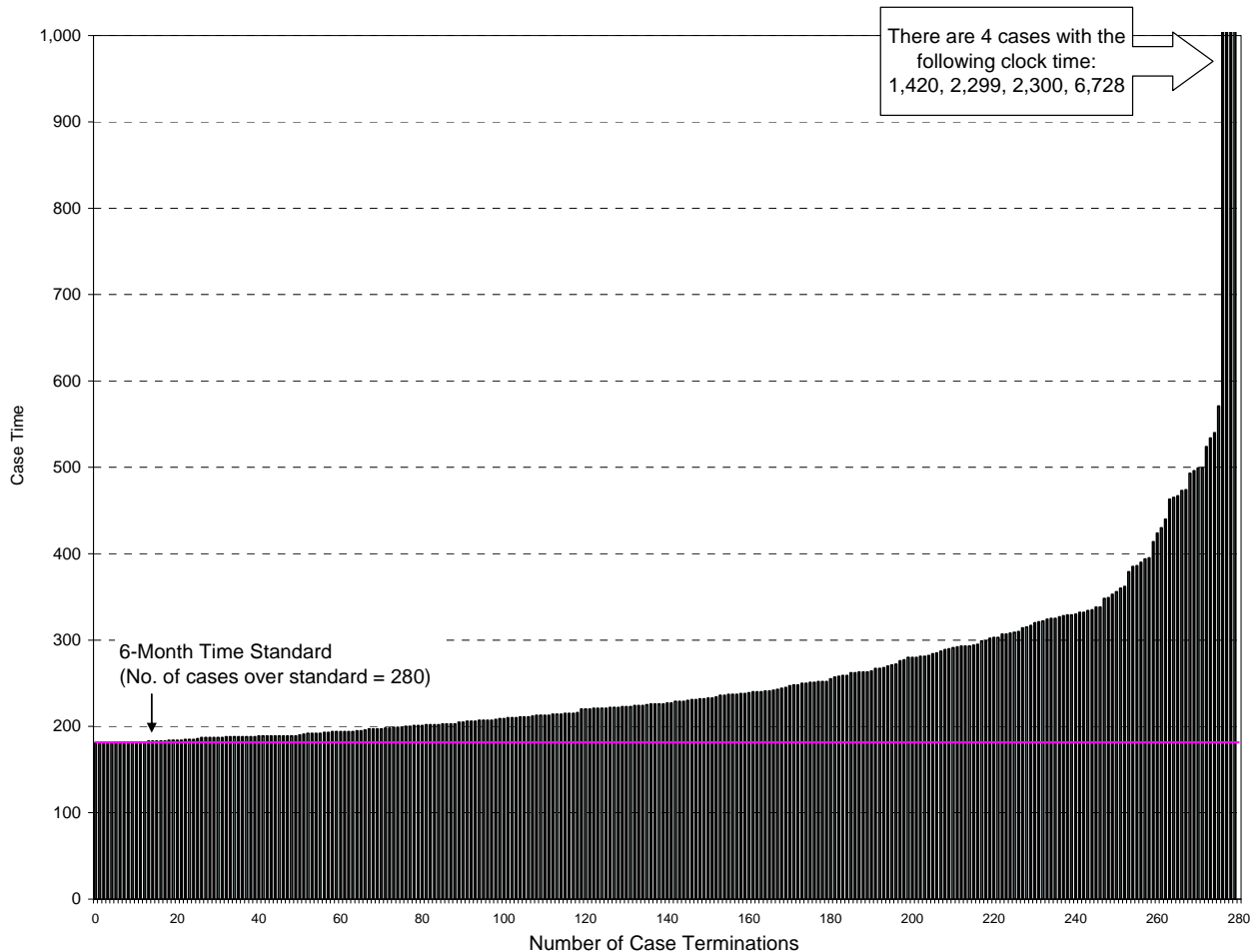


Figure B.1 Criminal Case Terminations that are over the 6-month standard, FY07

Case Terminations by Track

Montgomery County's Differentiated Case Management (DCM) plan established the following 5 tracks for criminal cases and the number of cases that fall under each category in FY07 and FY06 are listed:

- Track 0: Information Little or No Discovery (N = 24, N = 23 in FY06)
- Track 1: District Court Jury Demand and Appeals (N = 1,103, N = 1,177 in FY06)
- Track 2: Routine, Defendant Locally Incarcerated (N = 473, N = 442 in FY06)

Track 3: Routine, Defendant on Bond/Writ Status (N = 674, N = 616 in FY06)
Track 4: Complex. (N = 211, N = 220 in FY06)

Noteworthy is that the number of District Court Jury Demand and Appeal (Track 1) cases declined from 1,177 in FY06 to 1,103 in FY07, the reduction was compensated by the increased caseload in Routine cases in Tracks 2 and 3.

Table B.3 presents the breakdown of criminal cases by DCM Track and their average processing time for within- and over-standard case terminations. As the first section of the table shows, 44% of the terminated cases were Track 1, 27% from Track 3, and 19% from Track 2. The cases from these 3 tracks comprised 90% of all the FY07 criminal terminations. While the overall ACT for criminal cases was 92 days, Track 4 case terminations had an ACT of 227 days, greater than that of the 6-month standard. In contrast, Track 1 cases had the shortest ACT at 36 days. Thus, from the ACT-point of view, while increases in Track 4 cases relative to those in other Tracks would automatically guarantee a reduced within-standard percentage and increased overall ACT, increases in Track 1 cases would have the similar impact in the opposite direction. In fact, between FY06 and FY07, the number of Track 1 cases declined 1,177 to 1,103, thus reducing the percentage of Track 1 cases from 47% to 44%. If the Court processed the same number of Track 1 cases in FY07 with the same within-standard rate (99%) as in FY06, the within-standard percentage would still not have reached 90%. The additional Track 1 terminations would have increased the within-standard percentage by 0.4% but would not have been large enough to bring the percentage equal to 90%. Actually, the true culprit appears to be the substantial increase Track 3 cases, which increased from 616 in FY06 to 674 in FY07, most of which (42 of 58) resulted in over-standard terminations. If the number of Track 3 cases terminated in FY07 had been the same as FY06 without the additional 58 cases, the overall within-standard termination would have remained at 90%. Thus, in order to conduct a meaningful evaluation of the case processing performance, controlling for the composition of the cases is important.

Of the FY07 criminal terminations by track, none but those in Track 1 met the state compliance rate of 98% case closures within-standard. While the within-standard percent of Track 0 terminations was at a respectable 96%, that of Tracks 2, 3, and 4 terminations was 88%, 81%, and 61%, respectively. As indicated above, any increase in cases in these tracks would have inevitably resulted in increased over-standard terminations, and it appears that the trend may be heading toward that direction. Facing this, the Court may need to re-evaluate the current processing practices of these cases and devise plans to increase the percentage of cases closed within-standard. As shown in Table B.4, at least 10% of over-standard cases were terminated within 7 days beyond the time standard. Examining these cases and identifying factors that may have caused them to close over-standard may be one of the effective ways to not only prevent the case processing performance measures from falling but also to improve it.

Table B.3. FY07 Criminal Case Terminations by Termination Status (Within or Over the 6-month Standard) and Track

	Overall Terminations			Within-Standard Terminations				Over Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 0	24	1%	95	23	96%	1%	91	1	4%	< 1%	188
Track 1	1,103	44%	36	1,088	99%	49%	32	15	1%	5%	288
Track 2	473	19%	110	418	88%	19%	93	55	12%	20%	240
Track 3	674	27%	130	548	81%	25%	101	126	19%	45%	254
Track 4	211	9%	227	128	61%	6%	116	83	39%	30%	397
Total	2,485	100%	92	2,205	89%	100%	66	280	11%	100%	295

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Table B.4. Distribution of Over-Standard Criminal Case Terminations by Clock Time and Track, FY07

Track	N	(%)	Mean	Median	Percentile						
					5	10	25	75	90	95	Max
Track 0	1	(<1%)	188								188
Track 1	15	(5%)	288	226	182	185	200	379	526	571	571
Track 2	55	(20%)	240	213	182	184	189	276	319	412	499
Track 3	126	(45%)	254	223	183	187	196	269	330	455	1,420
Track 4	83	(30%)	397	255	182	187	209	325	428	527	6,728
Total	280	(100%)	295	227	183	187	197	291	362	473	6,728

Note: Percentages do not always add to 100% due to rounding.

Table B.5. FY07 Criminal Case Terminations by Case Start Time, Termination Status (Within or Over the 6-month Standard), and Track

Total Terminations		<u>Cases with Start Date Before FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	24	5	< 1%	104	5	100%	104	0	0%	0
Track 1	1,103	115	17%	95	103	90%	71	12	10%	295
Track 2	473	154	23%	146	117	76%	112	37	24%	254
Track 3	674	276	41%	171	176	64%	117	100	36%	265
Track 4	211	132	19%	286	61	46%	121	71	54%	429
Total	2,485	682	100%	174	462	68%	106	220	33%	317
Total Terminations		<u>Cases with Start Date During FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	24	19	1%	93	18	95%	87	1	5%	188
Track 1	1,103	988	55%	29	985	100%	28	3	< 1%	259
Track 2	473	319	18%	92	301	94%	85	18	6%	212
Track 3	674	398	22%	102	372	94%	94	26	7%	215
Track 4	211	79	4%	127	67	85%	113	12	15%	209
Total	2,485	1,803	100%	61	1,743	97%	56	60	3%	214

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Case Start Time

Table B.5 provides the number of criminal case terminations and their ACT by case start-time (before vs. during FY07), termination status, and Track (within- vs. over-standard). Overall, over 70% (72.6%, 1,803/2,485) of criminal cases terminated in FY07 were filed during the same period, and 97% of them terminated within-standard. The case processing performance for the cases started and terminated in FY07 appears to be equivalent to that of FY06.

It appears that processing of the older cases (i.e., those started before FY07) had significantly affected the overall case processing performance. Comparison of the within-standard percentage by Track among cases started before the fiscal year between FY06 and FY07 revealed that the percentage dropped from 73% to 64% for Track 3 cases (results not reported in the table). It is important to note that the number of Track 3 criminal case terminations also increased from 616 to 674 during the same period. While the Court was able to close a greater number of Track 3 cases that had started before the fiscal year in FY07 than it did in FY06, it was unable to close them within-standard to the extent it had done previously. It may be useful to examine these over-standard cases that started before FY07 to identify factors associated with their over-standard terminations.

Nearly 90% (N = 988) of the 1,103 Track 1 cases started during FY07, and virtually all of them (99.9%) were terminated within-standard with an ACT of 28 days, 2 days quicker than in FY06. In addition, 90% (N=103) of the remaining 115 Track 1 cases that started before FY07 were also terminated within the standard, with an ACT of 71 days. Given the high percentage of Track 1 cases

that closed within-standard, regardless of when they were filed, the case processing of cases in Track 1 appears to have reached its optimum level.

Case Terminations by Trial Postponements

Table B.6 compares cases that had trial postponements to those that did not, focusing on their 6-month termination status. Among cases terminated during FY07, 51% (N = 1,267) had at least one trial postponement, compared to 45% (N=1,117) in FY06. The over-standard rate for the postponed cases was 20% in FY07 compared to 19% in FY06.

Similar to FY06, approximately three-fourths of the postponed cases were clustered in Tracks 2 and 3 (N = 951), and the remaining quarter was comprised of Track 1 and 4 cases (N = 299). The distribution of the postponed cases was not proportional to the overall distribution of cases; at least 77% of cases from Tracks 2, 3, and 4 were postponed, compared to 12% in Track 1. Interesting to note is that in FY06 52% of Track 0 cases were postponed whereas in FY07 71% of these cases were postponed.⁵ In addition, the within-standard termination rate was much greater among postponed cases in Track 1 (93%), compared to cases in Track 2 (87%), Track 3 (78%) and Track 4 (53%). Similar to FY06, postponements in Track 4 cases resulted in a 50-50 chance of closing over-standard.

Table B.6. FY07 Criminal Case Terminations by Trial Postponements, Termination Status (Within or Over the 6-month Standard), and Track

<u>Terminations With Trial Postponements</u>										
Total Terminations		Overall Terminations			Within Standard Terminations			Over Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	24	17	71%	114	16	94%	109	1	6%	188
Track 1	1,103	136	12%	88	127	93%	78	9	7%	228
Track 2	473	399	84%	120	346	87%	101	53	13%	242
Track 3	674	552	82%	143	432	78%	112	120	22%	255
Track 4	211	163	77%	193	87	53%	129	76	47%	266
Total	2,485	1,267	51%	136	1,008	80%	105	259	20%	254
<u>Terminations Without Trial Postponements</u>										
Total Terminations		Overall Terminations			Within Standard Terminations			Over Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	24	7	29%	50	7	100%	50	0	0%	0
Track 1	1,103	967	88%	28	961	99%	26	6	1%	378
Track 2	473	74	16%	56	72	97%	53	2	3%	184
Track 3	674	122	18%	70	116	95%	61	6	5%	239
Track 4	211	48	23%	343	41	85%	90	7	15%	1822
Total	2,485	1,218	49%	47	1,197	98%	34	21	2%	801

* ACT = Average case time, in days.

Trial postponements substantially increased the likelihood of cases closing over-standard. However, since only 259 cases closed over-standard of the 1,267 cases that were postponed, trial

⁵ However, it is important to note that there are only a total of 24 Track 0 criminal cases that closed in FY07.

postponements clearly did not lead to over-standard terminations. Nevertheless, 259 of the 280 over-standard cases had at least one trial postponement. It would be useful to further investigate the nature and type of trial postponements as well as to identify mediating factors that increase the likelihood of postponed cases terminating over-standard.

Case Terminations by the Number of and Reasons for Trial Postponements

Table B.7 presents the number of trial postponements experienced by the 1,267 postponed cases overall and by the 259 postponed cases that terminated over-standard. Over 95% of the postponed cases experienced one (82%, N = 1,041) or two (14%, N = 176) trial postponements: Among the cases that closed over-standard, 54% had one trial postponement, 33% had two postponements, and 9% had 3 postponements. As expected, cases with multiple trial postponements were over-represented among the over-standard cases. While overall 20% of cases with trial postponements closed over-standard, 49% of the cases with two postponements closed over-standard, 59% of the cases with 3 trial postponements closed over-standard.

Because of a high incidence of trial postponements among criminal cases (51%) and a greater likelihood of over-standard terminations among cases that experienced at least one postponement (1 out of 5 postponed cases compared to 1 in 20 among cases without postponements), it is important to reduce the occurrence of trial postponements. In addition, given that cases with multiple trial postponements are much more likely to terminate over-standard than those with only one postponement, it is also important to prevent cases from being postponed multiple times.

Table B.7. Postponed Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Cases		Over-Standard Cases		% of Over-Standard/ All Cases
	N	%	N	%	
1	1,041	82%	141	54%	14%
2	176	14%	86	33%	49%
3	41	3%	24	9%	59%
4	7	1%	6	2%	86%
5	1	0%	1	0%	100%
9	1	0%	1	0%	100%
Total	1,267	100%	259	100%	20%

Note: Percentages do not always add to 100% due to rounding.

Table B.8 shows the distribution of the 1,559 trial postponement reasons for the 1,267 cases that were postponed at least once, and the 424 reasons for the subset of the 259 cases that closed over-standard. The two most-often reported reasons for trial postponements were schedule-related; 1,152 (74%) of all the postponed reasons and 258 (61%) of postponement reasons among over-standard cases were either “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” or “Calendar Conflicts - Party Needs to Get Affairs In Order.” The top 10 postponement reasons accounted for 95% of the overall reasons for trial postponements and for 93% of reasons for the over-standard cases.

The last column of the table provides the percent of time that each trial postponement reason resulted in a case closing over-standard. For example, 20% of the cases that reported Reason 1, “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability,” terminated over-standard (214 of 1,049). Thus, the greater the percentage for any reason given, the greater the

likelihood a case with that reason terminated over-standard. Of the most frequently reported trial postponement reasons, the following four had a 40% or greater likelihood of cases closing over-standard: “Forensic Evidence Incomplete,” (82%, compared to 77% in FY06), “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (48%, 47% in FY06), “Calendar Conflicts – Party Needs to Get Affairs In Order”⁶ (43%, 46% in FY06), “Witness Unavailable – New Witness Identified” (46%, 35% in FY06), and “New Counsel Sought or Has Entered their Appearance or Not Appointed (43%, 38% in FY06)

Table B.8. Reasons for Trial Postponements by Termination Status for Criminal Cases, FY07

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% Over-Standard/All Cases
		N	%	N	%	
1	System-Generated Initial Trial Date Not Conformed to Counsels' Availability	1,049	67%	214	51%	20%
2	Calendar Conflict – Party Needs to Get Affairs in Order	103	7%	44	10%	43%
3	Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	77	5%	37	9%	48%
4	Settlement, Plea or Reconciliation in Progress	72	5%	24	6%	33%
5	New Counsel Sought or Has Entered their Appearance or Not Appointed	44	3%	19	5%	43%
6	Witness Unavailable – New Witness Identified	37	2%	17	4%	46%
7	Illness/Medical Emergency or Death	32	2%	7	2%	22%
8	Police Officer Not Available	32	2%	8	2%	25%
9	Mental Evaluation Incomplete	24	2%	8	2%	33%
10	Forensic Evidence Incomplete	17	1%	14	3%	82%
11	Vacation Plans/Religious Reasons	16	1%	8	2%	50%
12	Other	56	4%	24	6%	43%
Total		1,559	100%	424	100%	27%

Note: Percentages do not always add to 100% due to rounding.

The significantly high occurrence of schedule-related trial postponements observed in FY07 could be one of the issues to be considered in an effort to reduce the number of over-standard criminal cases. According to Maryland Rule 4-271, the Court is required to set a trial date for criminal cases within 30 days after the appearance of counsel or the first appearance of the defendant, whichever comes first. In order to comply with this Rule, the Circuit Court automatically schedules a trial date within the 30-day time limit when the case is filed in the Criminal Department without consulting any of the involved parties. As a result, many trials need to be rescheduled to ensure the availability of all involved parties. It is therefore not surprising that approximately 80% of the criminal cases with trial postponements cited ‘System-Generated Initial Trial Date’ as the first reason for postponing the trial (1,033/1,267).

In the FY06 Caseflow Report, we argued that the rescheduling of a criminal trial due to the unacceptability of the computer-generated trial date should not be considered a postponement because the first trial date was never agreed upon. The comparison of the within-standard termination rate between postponed cases due to computer-generated trial date conflicts and those due to other reasons

⁶ The coding of trial postponement reasons may be slightly confounded because of the coding confusion regarding postponed trials due to system-generated schedule conflicts and calendar conflicts among the parties, which may have been used interchangeably during data entry.

once again supports this argument. First, as shown in Table B.8, the rate of over-standard terminations among postponed cases because of computer-generated trial date conflicts is 20%, which is lower than the remaining cases postponed due to other reasons. Second, of the 864 cases with this particular scheduling conflict as their sole postponement reason, 749 (87%) closed within-standard. In contrast, of the 177 cases postponed once because of other reasons, the average within-standard percentage was slightly less at 85%. Third, of the 1,033 cases that were postponed because of computer-generated trial date conflicts, either as their first or only postponement, 826 (80%) still closed within-standard, compared to 78% among the 234 cases that were postponed due to other reasons in their first postponement. While not markedly different, compared to other reasons for trial postponements, those that are postponed due to computer-generated trial date conflicts may not have the same negative impact on case time as do other reasons for postponement, especially when there is only one postponement.

Below is a supplemental analysis of criminal trial postponements that was conducted by selecting cases in which the only postponement reason was due to computer-generated trial date conflicts.

Supplemental Analysis of Criminal Trial Postponements

Table B.9. FY07 Criminal Case Terminations by Trial Postponements, Termination Status (Within or Over the 6-month Standard), and Track

<u>Terminations With Trial Postponements</u>										
Total Terminations		Overall Terminations			Within Standard Terminations			Over Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	24	15	63%	121	14	93%	116	1	7%	188
Track 1	1,103	130	12%	89	121	93%	78	9	7%	228
Track 2	473	59	13%	176	38	64%	124	24	36%	269
Track 3	674	95	14%	223	41	43%	137	56	57%	288
Track 4	211	93	44%	218	39	42%	131	54	58%	281
Total	2,485	392	16%	166	253	65%	105	144	36%	278
<u>Terminations Without Trial Postponements</u>										
Total Terminations		Overall Terminations			Within Standard Terminations			Over Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	24	9	38%	52	9	100%	52	0	0%	---
Track 1	1,103	973	88%	29	967	99%	27	6	1%	378
Track 2	473	414	88%	100	380	92%	90	34	8%	223
Track 3	674	579	86%	115	507	89%	99	72	12%	229
Track 4	211	118	56%	234	89	75%	110	29	25%	614
Total	2,485	2,093	84%	78	1952	93%	61	141	7%	313

* ACT = Average case time, in days.

Note: Percentages do not always add to 100% due to rounding.

According to Table B.8, 67% of all trial postponement reasons were due to schedule conflicts that resulted from the Circuit Court automatically generating trial dates that did not conform to Counsels' availability. We reanalyzed the postponement data excluding these reasons when listed as the

only trial postponement reason for terminated criminal cases in FY07, and obtained the results presented in Table B.9.⁷

When excluding such reasons, only 16% of criminal cases that terminated in FY07 had trial postponements and the majority of those cases closed within-standard (65%). The over-standard rate for the postponed cases was 36%, compared to 7% for those without trial postponements. Over 60% of the postponed cases were clustered in Tracks 2, 3, and 4. Another third of the postponed cases were comprised of Track 1 cases (130/392). The distribution of the postponed cases was not proportional to the overall distribution; in particular, 44% of cases from Track 4 were postponed, compared to no more than 14% of cases from Tracks 1, 2, and 3. Additionally, the within-standard termination rate was much greater among postponed cases in Track 1 (93%), compared to cases in Track 2 (64%), Track 3 (43%), and Track 4 (42%). Postponements in Track 4 and Track 3 cases resulted in a 50-50 chance of closing over-standard.

Among Track 4 postponed cases, the most frequent reason for postponement remained a calendar conflict although it was not a schedule conflict that was system-generated.⁸ More specifically, for Track 4 postponement cases, the most frequent reason for trial postponement was due to calendar conflicts among the parties (43 of 150) (results not reported in the table). This is particularly disconcerting, given that parties are aware of the trial dates several weeks in advance, and these dates are chosen by counsel. It is recommended that the Court review and make appropriate revisions to the postponement policy.

Among Track 3 postponed cases, the most frequent reason that the case was postponed (aside from system-generated postponements) was 'Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare' (26 of 198) (results not reported in table) followed closely by 'New Counsel Sought or Has Entered Their Appearance or Not Appointed' (20 of 198). Such postponement reasons may be outside the control of the Court.

As noted above during the discussion of Table B.6, trial postponements did not appear to lead to over-standard terminations as only 36% of terminated cases had at least one postponement. However, based on this supplemental analysis, it may be useful to assess to the extent to which the Court can modify the trial postponement policy such that fewer Track 4 cases are postponed due to calendar conflicts.

Summary of Criminal Findings

- In FY07, the percentage of criminal cases closed within the state 6-month standard was 89%, below the state goal of 98%. This is the first time in 4 years when the percentage fell from 90%.
- Montgomery County Circuit Court observed an increase in the number of over-standard criminal terminations and a large increase in the clock time among over-standard criminal terminations. While the substantially increased ACT among over-standard criminal case terminations was largely caused by a handful of cases that had experienced an extremely large

⁷ Note that the analysis was based on whether a case had any postponement or not. If the only reason for which a trial was postponed was due to computer-generated trial date conflicts, the case was coded such that no trial postponement was reflected. If the case had multiple trial postponements and one of the postponements was due to computer-generated trial date conflicts, the case was coded to reflect the presence of a trial postponement.

⁸ It is important to note that even when there are multiple reasons for trial postponements, system-generated postponements represent a large percentage of the trial postponements for Tracks 4 (32 of 150) and 3 (77 of 198).

clock time, the declined within-standard percentage was a clear indication that the Court was somehow unable to process the same number of cases as in the past.

- Similar to FY06, nearly half of all cases that closed in FY07 were Track 1 cases. Track 1 cases have a shorter case processing time and were the only cases that met the State goal of closing 98% of cases within-standard. The within-standard percent of Track 0 terminations was at a respectable 96%, that of Tracks 2, 3, and 4 terminations was 88%, 81%, and 61%, respectively.
- Over half of the terminated cases experienced at least one trial postponement. While the likelihood of a case with one trial postponement resulting in an over-standard termination was about 14%, it more than tripled with 2 postponements, and was over 80% with 4 postponements. Similar to FY06, the likelihood of a case being postponed and resulting in over-standard terminations was higher among cases in Tracks 2, 3, and particularly 4. Postponements in Track 4 cases resulted in a 50-50 chance of closing over-standard.
- The two most-often reported reasons for trial postponements were schedule-related; 74% of all the postponement reasons and 61% of postponement reasons among over-standard cases were either “System-Generated Initial Trial Date Not Conformed to Counsels' Availability” or “Calendar Conflicts - Party Needs to Get Affairs In Order.”
- Over 70% of the reasons for trial postponements among all the cases and 60% among the over-standard cases were scheduled-related.

Criminal Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time. It would be useful to further investigate the nature and type of trial postponements as well as to identify mediating factors that increase the likelihood of postponed cases terminating over-standard.
- The significantly high occurrence of schedule-related trial postponements observed in FY07 could be one of the issues to be considered in an effort to reduce the number of over-standard criminal cases. As noted in FY06, when a case is postponed in order to reschedule the automatically-generated trial date pursuant to MD Rule 4-271, the Court may want to consider not counting it as a postponement for statistical purposes. It may be useful to implement guidelines such that a rescheduled trial would not count as a postponement.
- Future evaluation of case processing performance should control for the composition of cases. For instance, track-specific analyses should be further analyzed as well as the relationship between case sub-type and case postponements on case processing performance.

Domestic-Relations Case Terminations

C. Domestic-Relations Case Processing Definitions and Summary

	Domestic-Relations Case Time Definitions	Percent Within 12 Month (365 day) and 24 Month (730 day) Standard	Additional Montgomery County Measurements
Domestic-Relations Case Standards and Montgomery County Measures	<p><u>Case Time Start:</u> Filing of Case.</p> <p><u>Case Time Stop:</u> Disposition, dismissal, or judgment. Judgment in limited divorce cases if the limited divorce is the only issue.</p>	<p><u>State-Set Goal:</u> 90% within 12 months 98% within 24 months</p> <p><u>Montgomery County:</u></p> <p>12 month standard: CY 2001: 92% CY 2002: 91% CY 2003: 92% FY 2005: 90% FY 2006: 91% FY 2007: 90%</p> <p>24 month standard: CY 2001: N/A CY 2002: 99% CY 2003: 100% FY 2005: 99% FY 2006: 100% FY 2007: 99%</p>	<p><u>Circuit Court Filing to Service/Answer, whichever comes first:</u> CY 2001: 39 days CY 2002: 44 days CY 2003: 43 days FY 2005: 46 days FY 2006: 44 days FY 2007: 41 days</p> <p><u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 187 days CY 2003: 185 days FY 2005: 173 days FY 2006: 154 days FY 2007: 157 days</p>
Note: Domestic-Relations case time is suspended for Bankruptcy Court stay, interlocutory appeal, body attachment, military leave, and no service in child support cases after 90 days from filing, and collaborative law start.			

Overall Domestic-Relations Case Terminations

Tables C.1 and C.2 provide the number of original Domestic-Relations (DR) case terminations and the average case processing time (ACT) by case termination status between FY04 and FY07. In FY07, the Court processed a total of 6,722 original DR case terminations, a slight increase (354 terminations) from the FY06 level. The percentages of DR cases terminated within the 12- and 24-month standard was 90% and 99%, respectively, thus meeting the state-set goal of 90% within 12 months and 98% in 24 months.

Compared to changes in DR case terminations observed between FY04 and FY06, which was about 1,000 cases per year, the change between FY06 and FY07 were much smaller (354). Given that the number of original DR filings had been constantly increasing since FY04 at the rate of 220-300 filings per year, a substantially smaller number of original terminations in FY07 might negatively impact the number of overall original terminations and the number of over-standard terminations in FY08.

The overall number of DR case terminations increased more than 50% from 4,400 in FY04 to 6,700 in FY07. During the same period, the number of within-standard terminations increased at about the same rate (50% under the 12-month Standard and 53% under the 24-month Standard), the rate of increase in the number of over-standard terminations was nearly twice as high as that of the within-standard terminations (94% under the 12-month Standard and 133% under the 24-month Standard). In addition, there was a marked difference between changes in the number of within- and over-standard terminations between FY06-07 and those between FY05-06. Not only was the FY05-06 increase significantly greater than the FY06-07 increase but also almost all of the increased terminations during the FY05-06 period resulted in within-standard terminations. In contrast, nearly one-third of the increased terminations in FY06-07 were over-standard terminations under the 12-month Standard and close to 10% were over-standard under the 24-month Standard.

The overall ACT for FY07 terminations was 157 days, slightly higher than the FY06 average of 154 days. The ACT was 118 days among within-standard terminations under the 12-month Standard, which was 6 days shorter than the FY06 ACT. Under the 24-month Standard, the FY07 ACT was 150 days, nearly equivalent to the FY06 average. With regard to over-standard terminations, the FY07 ACT increased by almost a month (29 days) under the 12-month Standard and by close to 4 months (116 days) under the 24-month standard. The increased ACT was primarily due to a handful of terminations with extremely large clock time including one case that was processed over the course of 5,180 days and another processed for 2,079 days. There were also about a dozen DR case terminations that took over 1,000 days to process. While we failed to examine cases with extremely large clock times in FY06, these cases clearly highlight the importance of identifying outliers and properly treating such cases before performing a meaningful analysis of case processing performance.

Table C.1. Number of Domestic-Relations Case Terminations FY04 through FY07

	12-month Standard									24-month Standard					
	Total Terminations		Within-Standard Terminations			Over-standard Terminations				Within-Standard Terminations			Over-standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT		N	%	ACT	N	%	ACT
FY04	4,386	129	4,047	92%	98	339	8%	499		4,362	100%	124	24	<1%	1,043
FY05	5,364	173	4,818	90%	133	546	10%	534		5,316	99%	164	48	1%	1,255
FY06	6,368	154	5,820	91%	123	548	9%	493		6,337	100%	151	27	<1%	872
FY07	6,722	157	6,066	90%	118	656	10%	522		6,666	99%	150	56	1%	988

*ACT = Average Case Time, in days.

Table C.2. Change in Domestic-Relations Case Processing FY04 through FY07

	12-Month Standard						24-Month Standard					
	Change in Total Terms		Change in WST*		Change in OST*		Change in WST		Change in OST			
	N	ACT*	N	ACT	N	ACT	N	ACT	N	ACT		
FY04 to FY05	978	44	771	35	207	35	954	40	24	212		
	(22%)	(34%)	(19%)	(36%)	(61%)	(7%)	(22%)	(32%)	(100%)	(20%)		
FY05 to FY06	1,004	-19	1,002	-10	2	-41	1,021	-13	-21	-383		
	(19%)	(-11%)	(21%)	(-8%)	(0%)	(-8%)	(19%)	(-8%)	(-44%)	(-31%)		
FY06 to FY07	354	3	246	-5	108	29	329	-1	29	116		
	(6%)	(2%)	(4%)	(-5%)	(20%)	(6%)	(5%)	(-1%)	(107%)	(13%)		
FY04 to FY07	2,336	28	2,019	20	317	23	2,304	26	32	-55		
	(53%)	(22%)	(50%)	(20%)	(94%)	(5%)	(53%)	(21%)	(133%)	(-5%)		

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

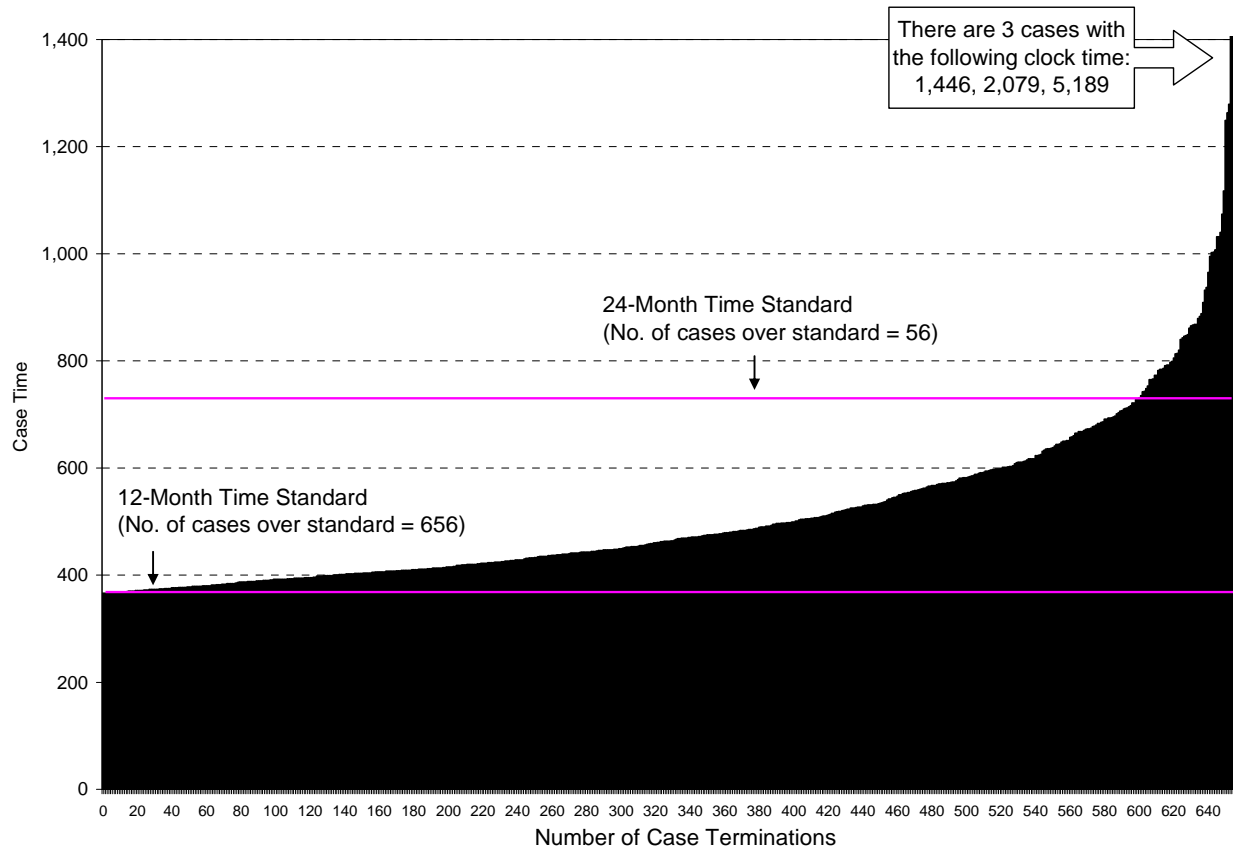


Figure C.1 Domestic-Relations Case Terminations that are over the 12- and 24- month Standards, FY07

Table C.3 provides the mean, median and selected percentiles of the case processing time for the over-standard cases over the 12- and 24-month Standards by the DCM Track. The mean and median case times for cases over the 12-month Standard were 522 days and 463 days, respectively. Over 90% (N = 606) of the cases over the 12-month Standard were from Tracks 1, 2, and 3. In particular, 42% and 31% of over-standard terminations were cases in Tracks 2 and 3, respectively, while their shares in the overall terminations were much smaller. Clearly, re-evaluation of case processing/management of cases in these 2 tracks would be a top priority for the Court to further improve the DR case processing performance or maintain its current level.

Overall, approximately 10% of the over-standard cases had case times close to the standard, at about 380 days or less. Examining these cases and identifying factors associated to their over-standard terminations may also be an effective way to increase the number of within-standard terminations.

Table C.3. Distribution of Over-Standard Domestic-Relations Cases by Clock Time and Track, FY07
Cases Terminated over 12-Month Standard

Track	N	(%)	Mean	Median	Percentile						
					5	10	25	75	90	95	Max
Track 0	7	(1%)	493	428	--	373	413	461	909	--	909
Track 1	128	(20%)	485	441	377	382	395	516	661	779	1,279
Track 2	275	(42%)	524	467	372	378	403	589	725	848	2,079
Track 3	203	(31%)	532	499	375	388	427	595	710	796	1,446
Track 4	3	(<1%)	729	678	--	--	507	1,002	--	--	1,002
Track N	42	(6%)	572	434	372	378	407	480	675	840	5,189
Total	656	(100%)	522	463	373	381	407	574	708	823	5,189

Cases Terminated over 24-Month Standard

Track	N	(%)	Mean	Median	Percentile						
					5	10	25	75	90	95	Max
Track 0	1	(2%)	909	909	--	--	--	--	--	--	909
Track 1	8	(14%)	879	832	--	731	776	916	1,279	--	1,279
Track 2	26	(47%)	952	848	737	743	792	1,034	1,253	1,759	2,079
Track 3	18	(32%)	868	801	753	764	771	900	1,051	1,446	1,446
Track 4	1	(2%)	1,002	1,002	--	--	--	--	--	--	1,002
Track N	2	(4%)	3,025	3,025	--	--	861	5,189	--	--	5,189
Total	56	(100%)	989	848	741	752	785	1,000	1,253	1,541	5,189

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Track

Montgomery County's Differentiated Case Management (DCM) plan established the following 5 tracks for Domestic-Relations (DR) cases and the number of cases that fall under each category in FY07 and FY06 is listed below:

Track 0: Uncontested Divorce without Summons (N = 841, 835 in FY06)

Track 1: Uncontested Divorce with Summons (N = 2,371, 2,272 in FY06)

Track 2: No Physical Custody Issues and Limited Discovery (N = 923, 861 in FY06)

Track 3: Physical Custody Issues and/or Divorce with Moderate Discovery (N = 497, 440 in FY06)

Track 4: Complex Custody, Financial, Business and/or Property Issues (N = 4, 8 in FY06)

No Track ("Track N"): Cases with other issue(s) (N = 2,086, 1,952 in FY06)

Table C.4 summarizes the number and distribution of DR cases and their average case processing time (ACT) by Track, both within- and over- the 12-month time Standard.⁹ As observed in FY06, over one-third of all terminations were from Track 1 (35%, N = 2,371) in FY07. Another 31% of the terminations were not tracked (Track N, N = 2,086), followed by cases in Track 2 (14%, N = 923) and Track 0 (13%, N = 841). Cases in these tracks, except for Track 2, were characterized with a relatively short ACT (Track 0: 71 days, Track 1: 159 days, and Track N: 79 days) and a high percentage of cases closed within-standard, ranging from 95% to 99%. Cases in Tracks 0, 1, and N accounted for nearly 80% (79%, N = 5,298) of the DR cases.

In contrast, cases in Tracks 2, 3, and 4 accounted for 20% (N = 1,424) of all case terminations, and were characterized with a substantially higher ACT and much lower within-standard termination

⁹ Because nearly 100% of the cases closed within the 24-month standard, the following analyses focused only on cases over the 12-month standard unless noted otherwise.

rate. The overall ACT of Track 3 cases was 345 days, just 20 days short of the 12-month Standard, and the overall ACT of Track 4 cases was 610 days, close to 150 days over the standard. The ACT of Track 2, 3, and 4 cases that were closed within-standard exceeded 200 days, and the within-standard termination rate ranged from 25% to 70%. Clearly, cases in Tracks 2, 3, and 4 were inherently more time-consuming than those in other tracks and consequently had a greater likelihood of closing over-standard.

Between FY06 and FY07, overall case terminations increased by a little over 250 cases, nearly half of which were Track 2 and 3 terminations (47%, 119/254) and the remaining half were Track N terminations. The increase in terminations of cases in Tracks 2 and 3 would have decreased the overall DR case processing performance; however, their negative impact was virtually cancelled out and slightly over-compensated by the equally large number of terminations in Track N. Given the continuous increase in original DR case filings, FY08 may experience a much greater number of case terminations with a lower within-standard termination rate. In fact, the observed increase in terminations between FY06 and FY07 and the current level of case processing for Tracks 2 and 3 signals an anticipated decrease in performance for DR case filings.

Accordingly, it is imperative that the Court evaluate the current practice of processing cases in Tracks 2 and 3 and devise intervention measures to reduce the time used to process these cases. Due primarily to its size, Track 1 cases also comprised almost 20% of the over-standard caseload. Reducing the number of such cases in Track 1 may also be an effective way to counter the declining percentage of DR case terminations within-standard.

Table C.4. FY07 Domestic-Relations Case Terminations by Termination Status (Within or Over the 12- and 24-month Standards) and Track

12-month Standard	Overall Terminations			Within-Standard Terminations				Over Standard Terminations			
	N	% of Total	ACT*	N	% of WSI*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 0	841	13%	71	834	14%	99%	68	7	1%	1%	493
Track 1	2,371	35%	159	2,243	37%	95%	141	128	20%	5%	485
Track 2	923	14%	302	649	11%	70%	209	274	42%	30%	523
Track 3	497	7%	345	295	5%	59%	216	202	31%	41%	532
Track 4	4	< 1%	610	1	< 1%	25%	251	3	< 1%	75%	729
Track N	2,086	31%	79	2,044	34%	98%	69	42	6%	2%	572
Total	6,722	100%	157	6,066	100%	90%	118	656	100%	10%	522
24-month Standard											
Track 0	841	13%	71	840	13%	100%	70	1	2%	0%	909
Track 1	2,371	35%	159	2,363	35%	100%	157	8	14%	0%	879
Track 2	923	14%	302	897	13%	97%	283	26	46%	3%	952
Track 3	497	7%	345	479	7%	96%	325	18	32%	4%	868
Track 4	4	< 1%	610	3	< 1%	75%	479	1	2%	25%	1,002
Track N	2,086	31%	79	2,084	31%	100%	76	2	4%	0%	3,025
Total	6,722	100%	157	6,666	100%	99%	150	56	100%	1%	988

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Table C.5. FY07 Domestic-Relations Case Terminations by Case Start Time, Termination Status (Within or Over the 12-month Standard), and Track

Total Terminations	Cases Filed Before FY2007									Cases Filed During FY2007			
	Overall Terminations				Within-Standard Terminations			Over-Standard Terminations			Overall and Within-Standard Terminations		
	N	% of			N	% of		N	% of		N	% of	
		N	Total	ACT*		Track	ACT		Track	ACT		Total	ACT
Track 0	841	168	6%	112	161	96%	96	7	4%	493	673	17%	61
Track 1	2,371	1,015	38%	215	887	87%	176	128	13%	485	1,356	33%	117
Track 2	923	642	24%	361	368	57%	239	274	43%	523	281	7%	168
Track 3	497	371	14%	408	169	45%	257	202	54%	532	126	3%	161
Track 4	4	4	0%	610	1	25%	251	3	75%	729	0	0%	--
Track N	2,086	466	17%	171	424	91%	131	42	9%	572	1,620	40%	53
Total	6,722	2,666	100%	263	2,010	75%	179	656	25%	522	4,056	100%	87

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Filing Time

Table C.5 provides the number, percentage, and ACT of Domestic-Relations (DR) case terminations by case filing period (before vs. during FY07), termination status, and Track based on the 12-month Standard. Because of the length of the standard, all of the cases that were filed (and terminated) during FY07 were within-standard. Approximately 60% (4,056/6,722) of all cases terminated during FY07 were filed during the same period with ACT of 87 days. The ACT of the 2,666 cases filed before FY07 was 263 days, more than 100 days greater than the overall average (157 days as noted in Table C.1). One quarter of the cases filed prior to FY07 (N = 658) closed over the 12-month time standard with an ACT of 522 days, compared to 21% of over-standard cases filed prior to FY06 who had an ACT of 492 days. As noted in Table C.4, Track 2 and 3 terminations accounted for most of the observed increase in over-standard terminations. Furthermore, over 70% of Tracks 2 and 3 cases were filed before FY07 and at least 40% of them resulted in over-standard terminations.

Case Terminations by Trial Postponements

Table C.6 compares the number, percentage, and ACT of cases according to their track, whether or not they had trial postponements, and whether or not they closed within the 12-month Standard. During FY07, 3% (N = 194) of the closed cases experienced at least one trial postponement. While only 16% (N = 105) of the 658 over-standard cases were postponed, postponements increased the chance of a case closing over-standard. Even with one trial postponement, there was a greater than a 50-50 chance that a case would be over-standard, compared to less than a one in 10 chance (8.5%) for those without trial postponements. Needless to say, having trial postponements generally resulted in a greatly extended case time across all Tracks. The ACT of postponed cases ranges from 323 to 729 days, compared to those without postponements ranging from 70 to 325 days.

Trial postponements were highly concentrated among Track 2 and Track 3 cases, which accounted for 95% of all postponed cases (N = 185). Twelve to fourteen percent of Track 2 and Track 3 cases had at least one trial postponement, compared to only 3% of all cases. As mentioned above, over 50% of the cases with trial postponements closed over-standard, and these cases were almost exclusively from Tracks 2 and 3.

Since over 80% of over-standard terminations were without trial postponements, other factors such as pre-trial postponements might have played a significant role in extending a case's clock time.

Table C.6.FY07 Domestic-Relations Case Terminations by Trial Postponements, Termination Status (Within or Over the 12-month Standard), and Track

<u>Terminations With Trial Postponements</u>										
Total Terminations		Overall Terminations % of Total			Within Standard Terminations			Over Standard Terminations		
		N	Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	841	4	0%	323	3	75%	282	1	25%	445
Track 1	2,371	2	0%	505	1	50%	325	1	50%	685
Track 2	923	127	14%	415	63	50%	238	64	50%	589
Track 3	497	58	12%	496	22	38%	283	36	62%	626
Track 4	4	3	75%	729	0	0%	0	3	100%	729
Track N	2,086	0	0%	--	0	NA	0	0	NA	0
Total	6,722	194	3%	443	89	46%	251	105	54%	605
<u>Terminations Without Trial Postponements</u>										
Total Terminations		Overall Terminations % of Total			Within Standard Terminations			Over Standard Terminations		
		N	Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	841	837	100%	70	831	99%	67	6	1%	501
Track 1	2,371	2,369	100%	159	2,242	95%	141	127	5%	483
Track 2	923	796	86%	284	586	74%	206	210	26%	502
Track 3	497	439	88%	325	273	62%	211	166	38%	512
Track 4	4	1	25%	251	1	100%	251	0	0%	0
Track N	2,086	2,086	100%	79	2,044	98%	69	42	2%	572
Total	6,722	6,528	97%	148	5,977	92%	116	551	8%	506

* ACT = Average case time, in days.

Table C.7. Postponed Domestic-Relations Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Terminations		Over-Standard Terminations		% of Over-Standard/All Terminations
	N	%	N	%	
1	168	87%	90	86%	54%
2	21	11%	10	10%	48%
3	4	2%	4	4%	100%
7	1	1%	1	1%	100%
Total	194	100%	105	100%	54%

Note: Percentages do not always add to 100% due to rounding.

Table C.8. Reasons for Trial Postponements by Termination Status for Domestic-Relations Cases, FY07

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% Over-Standard/All Cases
		N	%	N	%	
1	Calendar Conflict - Party Needs to Get Affairs in Order	40	17%	21	16%	53%
2	New Complaint, Petition, 3rd Party Complaint, or Consolidation	37	16%	22	17%	60%
3	Pending/Complaint Not at Issue or Ripe Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	30	13%	20	15%	67%
4	Illness/Medical Emergency or Death	26	11%	18	14%	69%
5	Witness Unavailable - New Witness Identified	24	10%	8	6%	33%
6	New Counsel Sought or Has Entered their Appearance or Not Appointed	14	6%	7	5%	50%
7	Reports and Evaluations Not Completed/Re-Evaluation Ordered	11	5%	8	6%	73%
8	Case Not Reached or Was on the To-Be-Assigned Docket and Not Reached	8	4%	6	5%	75%
9	Settlement, Plea or Reconciliation in Progress	7	3%	6	5%	86%
10	Defendant/Respondent/Plaintiff Not Transported/Writ Never Requested	6	3%	1	1%	17%
11	Other	27	12%	13	10%	48%
	Total	230	100%	130	100%	57%

Note: Percentages do not always add to 100% due to rounding.

Table C.8 provides the distribution of the 230 trial postponement reasons for the 194 cases that were postponed at least once, and the 130 reasons for the subset of the 105 cases that closed over standard. The top 5 trial postponement reasons listed in the table accounted for over two thirds of all the reasons for trial postponements. The most frequent reasons included: “Calendar Conflicts - Party Needs to Get Affairs In Order,” “New Complaint, Petitions, 3rd Party Complaint, or Consolidation Pending/Complaint Not at Issue or Ripe,” “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare,” “Illness, Medical Emergency or Death,” and “Witness Unavailable - New Witness Identified.” Worthy of note is that except for two reasons listed in Table C.8, at least 50% of the domestic-relations terminations providing the identified postponement reasons terminated over-standard. Again, while trial postponements were not the only factor leading to over-standard terminations, they appeared to play a role.

Table C.9. Case Terminations by Main Charge, FY07

	All Terminations		Over-Standard Terminations		Over-Standard/ All
	N	(%)	N	(%)	(%)
Divorce Absolute	3,516	(52%)	539	(82%)	15%
Change of Name	717	(11%)	28	(4%)	4%
Custody	600	(9%)	35	(5%)	6%
Paternity	529	(8%)	9	(1%)	2%
Uresa	328	(5%)	2	(<1%)	1%
Waive Court Costs	264	(4%)	0	(0%)	0%
Appt of Guardian	242	(4%)	4	(1%)	2%
Divorce Limited	148	(2%)	26	(4%)	18%
Amend Marriage License	77	(1%)	0	(0%)	0%
Miscellaneous Petition	71	(1%)	0	(0%)	0%
Enroll Foreign Decree	57	(1%)	0	(0%)	0%
Visitation	54	(1%)	7	(1%)	13%
Amend Birth Certificate	53	(1%)	1	(<1%)	2%
Annulment of Marriage	26	(<1%)	4	(1%)	15%
Support	12	(<1%)	2	(<1%)	17%
Authorization of Specific Transaction	8	(<1%)	0	(0%)	0%
Notice to Take Deposition	7	(<1%)	0	(0%)	0%
Other	13	(<1%)	1	(<1%)	8%
Total	6,722	(100%)	658	(100%)	10%

Note: Percentages do not always add to 100% due to rounding.

Table C.9 presents the number of case terminations during FY07 by their main charges. Overall, over 50% of the cases were involved in divorce, either absolute (52%) or limited (2%). However, among cases with over-standard terminations, the percentage of cases with divorce-related issues was much higher, close to 86%. Given that divorce cases normally involve child custody/access issues, which normally require out-of-the-court services as well as other property/financial issues, it may be reasonable to expect some of these cases to take longer than others. Further investigation is needed to analyze these cases by the number and types of issues involved and how this relates to case processing time.

Summary of Domestic-Relations Findings

- Ninety percent of DR cases closed in FY07 were within the state 12-month standard, and 99% were within the state 12-month standard, thus meeting the State case processing goals.
- The overall number of DR case terminations increased more than 50% from FY04 to FY07, and the ACT increased by 22% during the same period. Between FY06 and FY07 the ACT for within-standard DR terminations declined slightly while the ACT for over-standard increased by almost a month (12-month Standard). The increased ACT was primarily due to a handful of terminations with extremely large clock time.
- As observed in FY06, over one-third of all terminations were from Track 1 in FY07. Another 31% of the terminations were not tracked, followed by cases in Track 2 (14%) and Track 0 (13%). Cases in these tracks, except for Track 2, were characterized with a relatively short ACT and a high percentage of cases closed within-standard. Cases in Tracks 0, 1, and N accounted for nearly 80% of the DR cases.
- During FY07, 3% of the closed cases experienced at least one trial postponement. While only 16% of the 658 over-standard cases were postponed, postponements increased the chance of a

case closing over-standard. Similar to FY06, 95% of postponed DR cases were found among Tracks 2 and 3.

- Over 50% of terminated DR case involved divorce and, among cases with over-standard terminations, the percentage of cases with divorce-related issues was much higher, close to 86%.

Domestic-Relations Case Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time.
- Evaluate the current practice of processing cases in Tracks 2 and 3 and devise intervention measures to reduce the time used to process these cases
- As noted in FY06, consider developing policies to monitor and control the length of divorce-related cases, such as requiring that judges/masters issue Judgments of Absolute Divorce within 2 weeks.

Juvenile Delinquency Case Terminations

D. Juvenile Delinquency Case Processing Definitions and Summary

	Juvenile Case Time Definitions	Percent Within 3 Month (90 day) Standard	Additional Montgomery County Measurements
Juvenile Delinquency Case Standards and Montgomery County Measures			<u>Original Offense Date to Filing:</u> CY 2001: N/A CY 2002: 128 days CY 2003: 127 days FY 2005: 109 days FY 2006: 101 days FY 2007: 112 days
	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<u>State-Set Goal:</u> 98%	<u>Filing to First Appearance:</u> CY 2001: N/A CY 2002: 28 days CY 2003: 28 days FY 2005: 24 days FY 2006: 21 days FY 2007: 22 days
	<u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, facts sustained, facts not sustained, NP, NCR finding).	<u>Montgomery County:</u> CY 2001: N/A CY 2002: 99% CY 2003: 98% FY 2005: 99% FY 2006: 99% FY 2007: 98%	<u>Filing to Case Stop:</u> CY 2001: N/A CY 2002: 60 days CY 2003: 83 days FY 2005: 70 days FY 2006: 75 days FY 2007: 77 days
			<u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: N/A CY 2003: 43 days FY 2005: 40 days FY 2006: 40 days FY 2007: 41 days
	Note: Juvenile Delinquency case time is suspended for bench warrant, failure to appear, mistrial, NCR evaluation, petition for reverse waiver, competency evaluation, pre-disposition investigation report order, pre-disposition treatment program, interlocutory appeal, and military leave.		

Overall Juvenile Delinquency Case Terminations

In Fiscal Year 2007 (FY07), a total of 1,485 juvenile delinquency cases were closed by the Montgomery County Circuit Court (see Table D.1). In FY07, the overall average case processing time (ACT) for juvenile delinquency cases closed in the Circuit Court was 41 days. The case processing time for juvenile delinquency cases closed in FY07 ranged from zero (0) days for cases that started¹⁰ and closed on the same day to 179 days (see Figure D.1).

The ACT for juvenile delinquency cases has remained stable since FY04 with the highest overall ACT in FY04 at 43 days. The State-defined time standard for juvenile delinquency cases is 90 days, and the processing goal is to close 98% of cases within the time standard. Ninety-eight percent (N = 1,455) of the FY07 juvenile delinquency cases closed within the 90 day standard, with an ACT of 40 days. Montgomery County Circuit Court once again met the State's processing goal of 98% of cases closed within-standard in FY07. Thirty cases constituting only 2% of the FY07 terminated juvenile delinquency caseload closed over-standard. The ACT for the over-standard cases was 119 days, which was only about one month over-standard. This ACT was substantially lower than the ACT obtained in both FY04 and FY06. More specifically, according to Table D.2, the ACT for FY07 over-standard case terminations reduced by 40% from that obtained in FY04 and by 17% from that obtained in FY06.

The current fiscal year's performance, terminating 98% of the cases within-standard, was consistent with the performance of the previous three fiscal years. Overall, the ACT for terminated juvenile delinquency cases remained stable ranging from a high of 43 days in FY04 to a low of 40 days in FY05 and FY06. There was a negligible increase in case processing time for within-standard cases from 39 days in FY04 through FY06 to 40 days in FY07 (see Table D.1). The ACT for over-standard juvenile delinquency cases has been a bit more variable. According to Table D.2, there seems to have been a major improvement in over-standard cases between FY04 and FY05 (a reduction in case processing time of 39%) and between FY04 and FY07 (a reduction in case processing time by 40%). The cause of this seemingly improved efficiency is unclear. For instance, the case processing time might have been over-estimated in FY04 and FY06. What seems to be clear is that despite an increase in the number of over-standard cases between FY06 and FY07, the Circuit Court did not sacrifice efficiency for terminated juvenile delinquency cases in FY07 given that 30% of cases were over-standard by approximately one week (9 of 30).

Table D.1. Number of Juvenile Delinquency Case Terminations FY04 through FY07

Terminations			Within-Standard Terminations (3-month Standard)			Over-Standard Terminations (3-month Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119

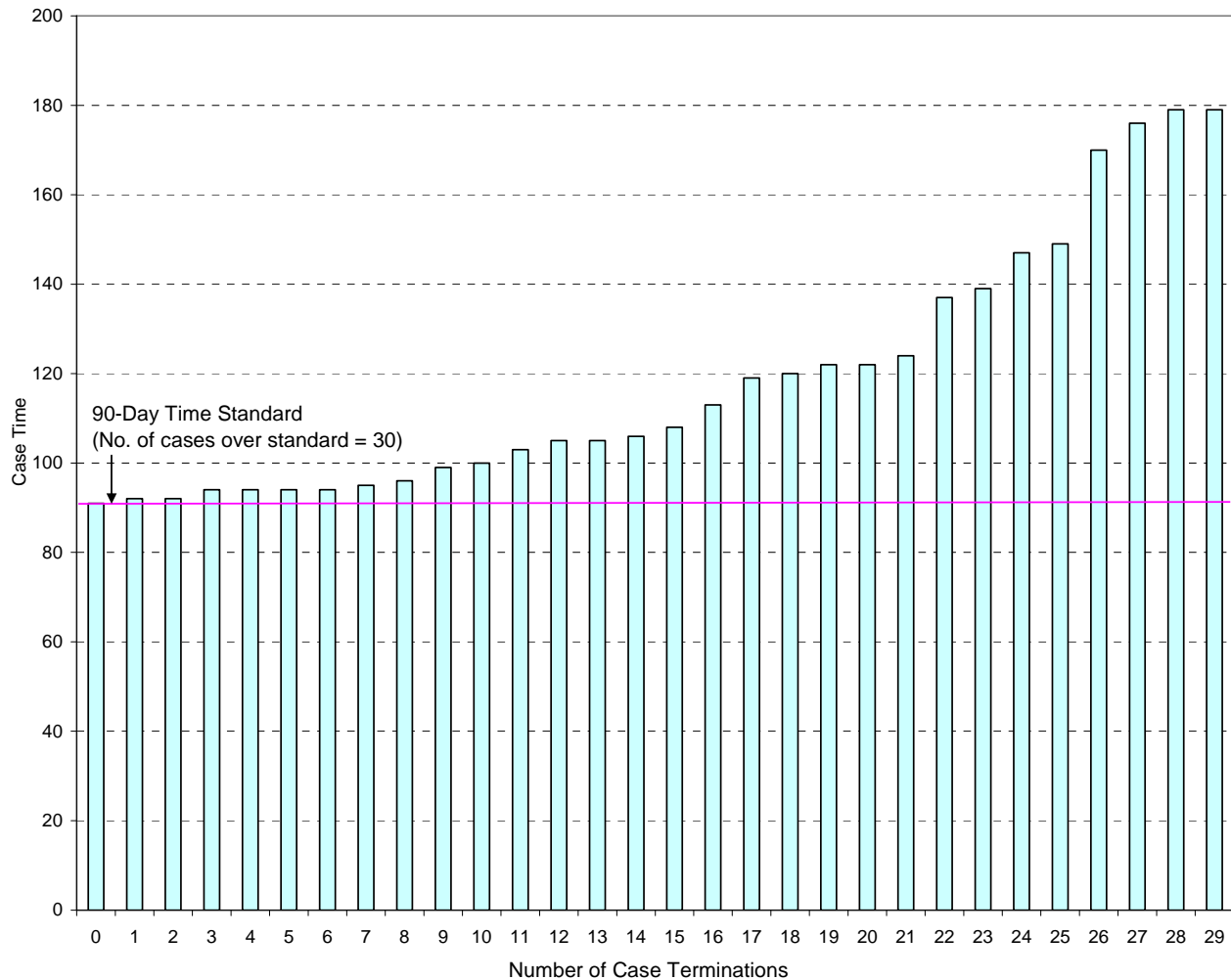
* ACT = Average Case Time, in days.

¹⁰ The Maryland Judiciary has defined case start time for juvenile delinquency cases as the first appearance of the respondent or the entry of appearance by counsel.

Table D.2. Change in Juvenile Delinquency Case Processing FY04 through FY07

	Change in Terminations		Change in Within-Standard Terminations (3-month Standard)		Change in Over-Standard Terminations (3-month Standard)	
	N	ACT*	N	ACT*	N	ACT*
FY04 to FY05	-90 (-6%)	-3 (-7%)	-74 (-5%)	0 (0%)	-16 (-52%)	-76 (-39%)
FY05 to FY06	220 (15%)	0 (0%)	218 (15%)	0 (0%)	2 (13%)	22 (18%)
FY06 to FY07	-166 (-10%)	1 (3%)	-179 (-11%)	1 (3%)	13 (76%)	-24 (-17%)
FY04 to FY07	-36 (-2%)	-2 (-5%)	-35 (-2%)	-1 (-3%)	-1 (-3%)	-79 (-40%)

* ACT = Average Case Time, in days.

**Figure D.1 Juvenile Delinquency Case Terminations that are over the 3-month Standard, FY07**

Case Terminations by Track

Currently, the Montgomery County Circuit Court's Differentiated Case Management (DCM) Plan categorizes juvenile delinquency cases into the following 4 Tracks:

Track 1: Delinquent Detention/Shelter Care (N = 205; N = 251, FY06)

Track 2: Delinquent Non-Detention (N = 1,268; N = 1,384, FY06)

Track 5: Complex Delinquent Detention/Shelter Care (N = 11; N = 11, FY06)

Track 6: Complex Delinquent Non-Detention (N = 1; N = 5, FY06)

Table D.3 provides the number of terminated cases by termination status (within- vs. over-standard) and Track. Similar to FY06, in FY07 85% of the juvenile delinquency cases were from Track 2 (N = 1,268) and another 14% were Track 1 (N = 205). Combined, simple delinquent cases in these 2 Tracks accounted for 99% (N = 1,473) of all the juvenile delinquency cases terminated during FY07. On average, and in accordance with the time standard guidelines built into the DCM plan, non-detention cases (Tracks 2 and 6) had a longer average case processing time (43 and 44 days, respectively) than those with detention/shelter-care (31 days, Track 1 and 6 days, Track 5).

All over-standard juvenile delinquency cases were from either Tracks 1 or 2; however, most (87%) were assigned to Track 2. Despite the fact that cases from Tracks 1 and 2 made up all of the over-standard terminations, no more than 2% of cases in each of these Tracks were over-standard (i.e., most Track 1 and 2 cases were within-standard). Given most Track 1 and 2 cases closed within-standard, it may be interesting to explore what occurred to push a percentage (albeit small) of these cases over-standard. In all, the Court was processing juvenile delinquency cases fairly well. However, if the Court would like to close all juvenile cases within-standard, an examination of these 30 over-standard cases in Tracks 1 and 2 may be of interest. As shown in Figure D.1, over half of the over-standard juvenile delinquency cases that closed in FY07, were only two-weeks over the 90 day standard.

Case Terminations by Case Start Time

The Maryland State Judiciary has defined the case start time for each major case type (i.e., civil, criminal, domestic-relations, juvenile, CINA, and TPR cases). For juvenile delinquency cases, the State defined start time is the date of first appearance by the respondent or entry of appearance by counsel. Of the juvenile delinquency cases closed in FY07, 81% (1,198/1,485) were filed during FY07 as opposed to 19% (287/1,485) that were filed before FY07. The percentages related to filing period mimic the results obtained in FY06. More specifically, 88% (1,447/1,651) of closed juvenile delinquency cases were filed during FY06 compared to 14% (204/1,651) that were filed prior to FY06. Given the relatively short case time and the high percentage of within-standard terminations, the difference in the ACT between cases filed before and during FY07 for within-standard juvenile delinquency cases was relatively small (47 and 38 days, respectively). There was a 6% difference in the percentage of over-standard cases filed prior to FY07 as compared to the percentage of over-standard cases filed during FY07. While there were more over-standard juvenile delinquency cases that were filed prior to FY07, the ACT for over-standard cases was slightly higher for those filed during FY07 compared to those filed prior to FY07 (119 days versus 118 days, respectively). Despite the ACT being higher, the difference in ACT appeared negligible especially given that it was only about a month over-standard for those cases filed prior to and during FY07.

Table D.3. FY07 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track

	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 1	205	14%	31	201	98%	14%	29	4	2%	13%	126
Track 2	1,268	85%	43	1,242	98%	85%	41	26	2%	87%	118
Track 5	11	1%	6	11	100%	1%	6	0	0%	0%	---
Track 6	1	< 1%	44	1	100%	< 1%	44	0	0%	0%	---
Total	1,485	100%	41	1,455	98%	100%	40	30	2%	100%	119

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Table D.4. FY07 Juvenile Delinquency Case Terminations by Filing Period, Termination Status (Within or Over the 3-month Standard), and Track

Overall Terminations		Filed Before FY07								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	205	38	13%	41	35	92%	35	3	8%	112
Track 2	1,268	238	83%	55	222	93%	51	16	7%	120
Track 5	11	10	3%	4	10	100%	4	0	0%	---
Track 6	1	1	< 1%	44	1	100%	44	0	---	---
Total	1,485	287	100%	52	268	93%	47	19	7%	118
Overall Terminations		Filed During FY07								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	205	167	14%	29	166	99%	28	1	1%	170
Track 2	1,268	1,030	86%	40	1,020	99%	39	10	1%	114
Track 5	11	1	< 1%	28	1	100%	28	0	0%	---
Track 6	1	0	0%	---	---	---	---	---	---	---
Total	1,485	1,198	100%	39	1,187	99%	38	11	1%	119

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Trial Postponements

As shown in Table D.5, over a quarter (411/1,485) of juvenile delinquency cases that terminated during FY07 had one or more trial postponements. More specifically, eighty-four percent of juvenile delinquency cases with trial postponements were postponed once and another 16% were postponed two or more times (see Table D.6). On average, trial postponements prolonged case time by approximately 16 days (57 days versus 41 days). In FY06, trial postponements prolonged case time by approximately 20 days. Since only 3% of the postponed cases (N = 26) closed over-standard, even with trial postponements, juvenile delinquency cases almost always closed within-standard (i.e., 93% of the time). Eighty-eight percent (23/26) of the over-standard cases with trial postponements were associated with Track 2. Interestingly enough, 93% of Track 2 cases with trial postponements closed

within-standard. It seems as though trial postponements are not the only factor that impacts case processing time. Although, according to Table D.6, it is clear that as the number of trial postponements increases so does the likelihood of a case being processed over-standard.

Table D.5. FY07 Juvenile Delinquency Case Terminations by Trial Postponements, Termination Status (Within or Over the 3-month Standard), and Track

<u>With Trial Postponements</u>										
	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	205	82	40%	40	79	96%	37	3	4%	112
Track 2	1,268	319	25%	63	296	93%	59	23	7%	117
Track 5	11	10	91%	4	10	100%	4	0	0%	0
Track 6	1	0	0%	---	0	0%	---	0	0%	---
Total	1,485	411	28%	57	385	94%	53	26	6%	116
<u>Without Trial Postponements</u>										
	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	205	123	60%	26	122	99%	24	1	1%	170
Track 2	1,268	949	75%	36	946	100%	36	3	< 1%	126
Track 5	11	1	9%	28	1	100%	28	0	0%	0
Track 6	1	1	100%	44	1	100%	44	0	---	---
Total	1,485	1,074	72%	35	1,070	100%	35	4	< 1%	137

* ACT = Average case time, in days.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by the Number of and Reasons for Trial Postponements

Table D.6 presents the distribution of trial postponements for all 411 juvenile delinquency cases with trial postponements and for the subset of 26 over-standard cases that had postponements. Overall, 84% (N = 344) of juvenile delinquency cases closed in FY07 were postponed once and 16% (N = 67) were postponed two or more times. In comparison, in FY06, 94% (N = 379) of juvenile delinquency cases were postponed once and 6% were postponed two or more times (N = 22). In both FY06 and FY07, no juvenile delinquency case had more than three trial postponements.

Table D.6. Postponed Juvenile Delinquency Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Cases		Over-Standard Cases		% of Over-Standard Terminations/All Cases
	N	%	N	%	
1	344	84%	15	58%	4%
2	53	13%	9	35%	17%
3	14	3%	2	7%	14%
Total	411	100%	26	100%	6%

Note: Percentages do not always add to 100% due to rounding.

There were a total of 492 trial postponement reasons from the 411 cases that were postponed. Table D.7 lists the trial postponement reasons for all the postponed cases and for the subset of 26

postponed cases that closed over-standard. The majority of the reasons for trial postponements in juvenile delinquency cases were due to “Calendar Conflicts” (71%, 348/492), followed distantly by “Reports and Evaluations Not Completed/Re-Evaluation Ordered” (6%, 31/492), “Pending Motions To Be Heard Or Ruled On” (5%, 26/492), and “New Counsel Sought Or Has Entered Their Appearance Or Not Appointed” (3%, 14/492). These top four reasons accounted for almost 90% of all the trial postponements. In FY06, the top reasons for trial postponements that accounted for almost 90% of all trial postponements included: “Calendar Conflicts” (72%, 312/435), followed by changes in court administrative procedures related to court time, track or scheduling (6%, 26/435), unavailability of witness (6%, 24/435), pending motions (4%, 19/435) and health-related emergencies (2%, 9/435). Similar to FY06, for the cases that terminated over-standard, the top trial postponement reason was “Calendar Conflict” (59%, 23/39). Among cases that closed over-standard, most trial postponements were caused by delays resulting from procedures outside the Court (i.e., getting involved parties ready for the court proceedings).

Table D.7. Reasons for Trial Postponements by Termination Status for Juvenile Delinquency Cases, FY07

Reason for Trial Postponements		All Cases		Over-Standard Cases		% of Over-Standard/All Cases
		N	Total %	N	Total %	
1	Calendar Conflict – Party Needs to Get Affairs in Order	348	71%	23	59%	7%
2	Reports and Evaluations Not Completed/Re-Evaluation Ordered	31	6%	0	0%	0%
3	Pending Motions to Be Heard or Ruled on	26	5%	1	3%	4%
4	Witness Unavailable – New Witness Identified	20	4%	3	8%	15%
5	New Counsel Sought or Has Entered their Appearance or Not Appointed	14	3%	3	8%	21%
6	Defendant/Respondent/Plaintiff Not Transported/Writ Never Requested	9	2%	1	3%	11%
7	Illness/Medical Emergency or Death	9	2%	2	5%	22%
8	Police Officer Not Available	7	1%	1	3%	14%
9	Judge Unable to Reach Court Event (e.g. Illness, Scheduling Conflict)	6	1%	0	0%	0%
10	Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	5	1%	0	0%	0%
11	Parent Not Present	5	1%	0	0%	0%
12	Increase/Decrease Court Time/Track Change/to Trail Behind Another Case	3	1%		0%	0%
13	Forensic Evidence Incomplete	2	< 1%	2	5%	100%
14	Competency Evaluation Ordered	2	< 1%	1	3%	50%
15	Legislative Postponement	2	< 1%	0	0%	0%
16	Defendant/Respondent Is Participating in a Rehabilitation Program	1	< 1%	1	3%	100%
17	Vacation Plans/Religious Reasons	1	< 1%	0	0%	0%
18	Party(s) Did Not Receive Notice Of Court Date	1	< 1%	1	3%	100%
Total		492	100%	39	100%	8%

Note: Percentages do not always add to 100% due to rounding.

Summary of Juvenile Delinquency Findings

- Ninety-eight percent of the juvenile delinquency cases closed in FY07 were within-standard meeting the State case processing goal.
- While the number of over-standard juvenile delinquency cases increased from FY06, the average case processing time reduced by 17%. Since FY04, the over-standard ACT for juvenile delinquency cases has reduced by 40%. Despite variation in over-standard juvenile delinquency cases since FY04, case processing overall and among within-standard cases has remained relatively stable.
- Eighty-five percent of the cases terminated in FY07 were from Track 2 and another 14% were from Track 1. These cases accounted for all of the over-standard cases.
- While over a quarter of the juvenile delinquency cases experienced trial postponements, 94% of them closed within-standard. Of the 30 over-standard cases, 87% experienced trial postponements.

Juvenile Delinquency Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time. Identify why the average case processing time among cases without trial postponements is longer than among those cases with trial postponements.
- Identify causes of postponements in Tracks 1 and 2 and develop strategies to further reduce the number of over-standard cases.
- Pursue Track-specific analyses by other variables such as case sub-type and postponement reason to identify profiles of cases that are more likely to result in over-standard terminations.
- Review the quality control process for juvenile cases as well as identify and implement any necessary changes.
- Examine the over-standard terminations to determine why their average case processing time is so much longer than that for within-standard terminations.
- Examine the costs and benefits associated with within- and over-standard case processing times.

Child In Need of Assistance (CINA) Fiscal Year 2007 Case Terminations

Table E.1. CINA Case Processing Definitions and Summary

	CINA Case Time Definitions	Within-Standard Percentage	Additional Montgomery County Measurements
CINA Shelter	<u>Case Time Start:</u> Shelter Care Hearing. <u>Case Time Stop:</u> Adjudication.	<u>State-Set Goal:</u> 100% within 30 days <u>Montgomery County:</u> FY 2005: 71% FY 2006: 70% FY 2007: 60%	<u>Average Case Processing Time:</u> FY 2005: 30 days FY 2006: 30 days FY 2007: 35 days
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition. <u>Case Time Stop:</u> Adjudication.	<u>State-Set Goal:</u> 100% within 60 days <u>Montgomery County:</u> FY 2005: 97% FY 2006: 76% FY 2007: 88%	<u>Average Case Processing Time:</u> FY 2005: 34 days FY 2006: 52 days FY 2007: 44 days
Note: CINA Shelter and Non-Shelter case processing time is suspended only for military leave.			

Overall CINA Shelter/Non-Shelter Case Terminations

A total of 263 Child In Need of Assistance (CINA) cases had original closures¹¹ in Montgomery County Circuit Court in Fiscal Year 2007 (FY07) (215 Shelter and 48 Non-Shelter). Twenty additional CINA cases had original closures in FY07 compared to FY06 (263 and 243, respectively). The State-defined time standard for CINA Shelter cases is 30 days and 60 days for CINA Non-Shelter cases. The overall average case processing time (ACT) for CINA Shelter cases was slightly over the 30-day standard at 35 days, and the overall ACT for Non-Shelter cases was under the 60 day standard at 44 days. As shown in Table E.1, the ACT for CINA Shelter cases for FY07 was slightly higher (35 days) than that for FY06 (30 days). In contrast, the ACT for CINA Non-Shelter cases was slightly lower (44 days) than for the previous fiscal year (52 days).

The State goal for the percentage of CINA Shelter and Non-Shelter cases closed within-standard is 100%. Sixty percent of the CINA Shelter cases (N = 130) closed within the 30 day standard in FY07, with an ACT of 19 days (see Table E.1). This was slightly less than the percentage of CINA

¹¹ For the purposes of this report, “closure” in CINA cases represents the case time stop as defined by the Maryland Judiciary for the sole purpose of the Maryland Caseflow Assessment. As such, case time stop (i.e., closure) is identified as adjudication for CINA cases.

Shelter cases that closed within-standard for FY06 (70%, N = 135). Despite the slightly lower percentage of CINA Shelter cases that closed within-standard, the ACT remained the same across fiscal years (i.e., 19 days). As shown in Table E.1., the percentage of over-standard CINA Shelter cases was slightly higher in FY07 compared to FY06 (40% and 30%, respectively) as was the ACT (60 and 57 days, respectively).

With regard to CINA Non-Shelter, a higher percentage of cases closed within the 60 day standard in FY07 as compared to FY06 (88%, N = 42 and 77%, N = 39, respectively). The ACT for within-standard CINA Non-Shelter cases was also slightly lower in FY07 than that for FY06 (39 versus 41 days, respectively). A lower percentage of CINA Non-Shelter cases closed over-standard in FY07 as compared to the percentage obtained for FY06 (13% and 24%, respectively). The ACT for over-standard terminations was also lower averaging 76 days (N = 6) in FY07 as opposed to 87 days (N = 12) in FY06 (see Table E.2).

Table E.1. Number of CINA Shelter Case Terminations FY05 through FY07

	Terminations		Within-Standard Terminations (30-day Standard)			Over-Standard Terminations (30-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
CINA Shelter								
FY05	258	30	182	71%	20	76	29%	55
FY06	192	30	135	70%	19	57	30%	57
FY07	215	35	130	60%	19	85	40%	60

* ACT = Average Case Time, in days.

Table E.2. Number of CINA Non-Shelter Case Terminations FY05 through FY07

	Terminations		Within-Standard Terminations (60-day Standard)			Over-Standard Terminations (60-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
CINA Non-Shelter								
FY05	61	34	59	97%	33	2	3%	64
FY06	51	52	39	77%	41	12	24%	87
FY07	48	44	42	88%	39	6	13%	76

* ACT = Average Case Time, in days.

The ACT for total CINA Shelter terminations increased, to above the 30-day standard, in FY07 whereas in FY05 and FY06 the ACT was at standard. However, as shown in Table E.3, there has been minimal (if any) change in ACT for within-standard CINA Shelter cases from FY05 through FY07. There has been a slight, continual increase in the ACT over time for CINA Shelter cases that closed over-standard. The increase in the total ACT for CINA Shelter cases in FY07 is likely due to the slight decrease in the percentage of CINA Shelter cases that closed within-standard and the increase in the percentage of over-standard cases that occurred between FY06 and FY07.

In contrast to CINA Shelter case terminations, the processing performance for CINA Non-Shelter cases has improved between FY06 and FY07. The average case processing time for CINA

Non-Shelter cases increased by 53% between FY05 and FY06 whereas between FY06 and FY07 case processing performance improved with a reduction in overall ACT by 15% (see Table E.3). Unlike the increase in the number of over-standard CINA Non-Shelter cases between FY05 and FY06, the number of CINA Non-Shelter cases determined to be over-standard decreased from 12 to 6 between FY06 and FY07 (i.e., a 50% reduction). Additionally, case processing improved for over-standard CINA Non-Shelter cases between FY06 and FY07 with a 13% reduction in ACT from 87 days in FY06 to 76 days in FY07. Overall, the ACT for CINA Non-Shelter cases within- and over-standard improved from FY06 to FY07. It is important to note that case processing performance has yet to achieve the performance level reached in FY05, which is better than that achieved in FY06 or FY07 (see Table E.2). While case processing performance has improved between FY06 and FY07, the overall average case processing time for CINA Non-Shelter cases increased by 29% between FY05 and FY07.

Table E.3. Number of CINA Case Terminations FY05 to FY07

	Total Terminations		Change In Within-Standard Terminations		Change in Over-Standard Terminations	
	N	ACT*	N	ACT	N	ACT
CINA Shelter (30-day Standard)						
FY05-FY06	-66	0	-47	-1	-19	2
Change	(-26%)	(0%)	(-26%)	(-5%)	(-25%)	(4%)
FY06-FY07	23	5	-5	0	28	3
Change	(12%)	(17%)	(-4%)	(0%)	(49%)	(5%)
FY05-FY07	-43	5	-52	-1	9	5
Change	(-17%)	(17%)	(-29%)	(-5%)	(12%)	(9%)
CINA Non-Shelter (60-day Standard)						
FY05-FY06	-10	18	-20	8	10	23
Change	(-16%)	(53%)	(-33%)	(24%)	(500%)	(36%)
FY06-FY07	-3	-8	7	-2	-6	-11
Change	(-6%)	(-15%)	(18%)	(-5%)	(-50%)	(-13%)
FY05-FY07	-13	10	-17	6	4	12
Change	(-21%)	(29%)	(-29%)	(18%)	(200%)	(19%)

* ACT = Average Case Time, in days.

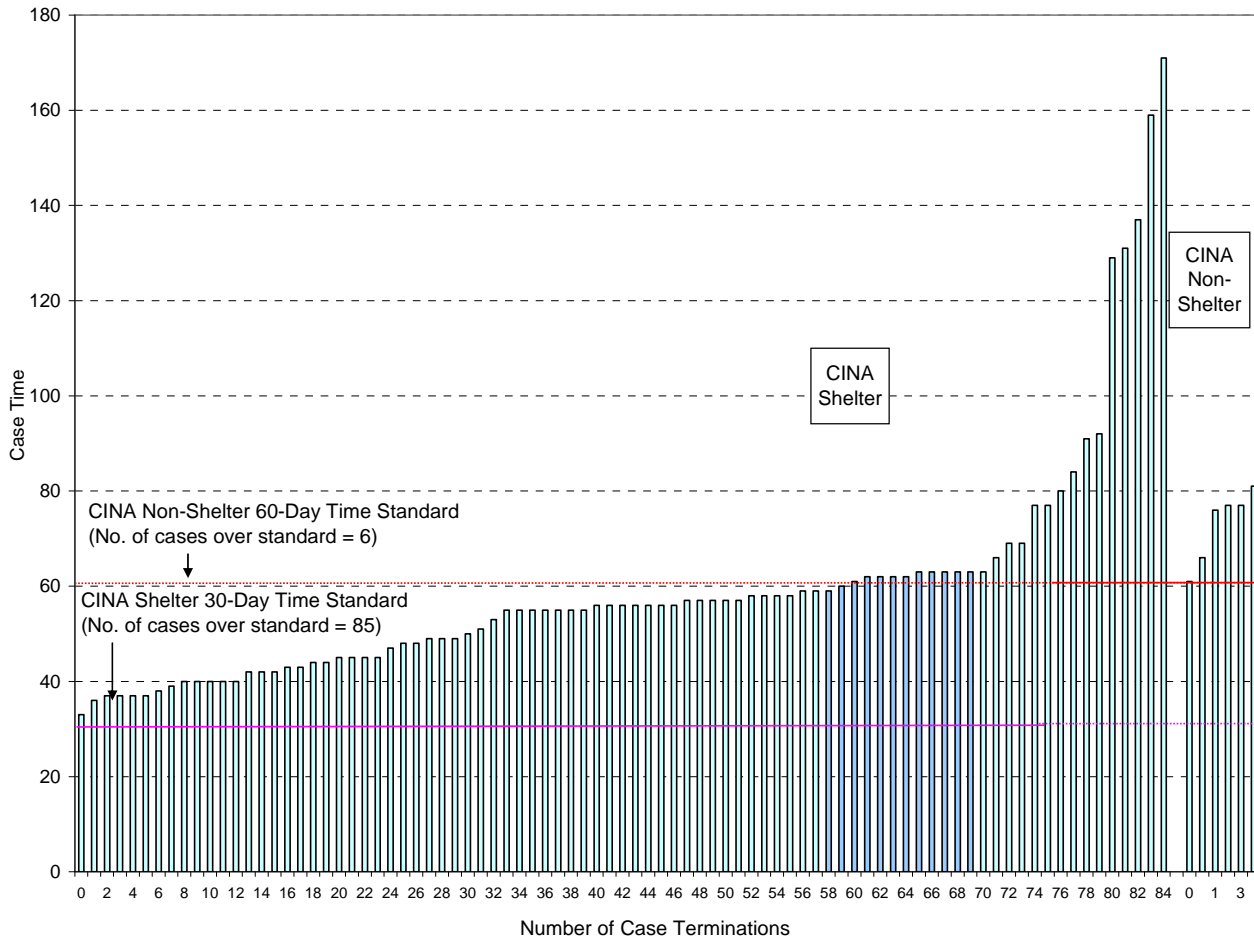
Similar to previous fiscal years, the current level of case processing performance within-standard for CINA Shelter (60%) and Non-Shelter (88%) cases was far below the state performance goal of 100%. Table E.4 and Figure E.1 describe the case processing times of the 85 CINA Shelter cases that closed over-standard in FY07. The over-standard ACT for CINA Shelter cases ranged from 33 to 171 days. The mean and median for CINA Shelter cases were 60 and 56 days, respectively. About one-quarter of the over-standard CINA Shelter cases closed within two weeks over-standard (N = 24) and almost three-fourths closed within a month over-standard (N = 65). Ninety-five percent of CINA Shelter cases closed within approximately three months over-standard (N = 81).

There were a total of six CINA Non-Shelter cases that closed over-standard in FY07. All of these cases closed within three weeks of being over-standard. Based on a review of the distribution of CINA Shelter and CINA Non-Shelter cases that closed over-standard, it seems as though relatively small improvements in case processing may be able to bring some of these over-standard cases to closure within-standard. To accomplish the goal of closing 100% of CINA Shelter and Non-Shelter cases within-standard, a review of the current case processing procedure should be undertaken in an effort to identify those factors that directly impact case processing time.

Table E.4 Distribution of Over-Standard CINA Shelter Cases by Clock Time and Track, FY07

Track	N	(%)	Mean	Median	Percentile					
					5	10	25	75	90	95
Track 3	70	(82%)	61	56	37	38	45	63	84	131
Track 7	15	(18%)	51	53	40	40	42	58	62	66
Total	85	(100%)	60	56	37	40	45	62	80	129

Note: Percentages do not always add to 100% due to rounding.

**Figure E.1. CINA Shelter and CINA Non-Shelter Terminations that are over-standard, FY07**

Case Terminations by Track

Montgomery County's Differentiated Case Management (DCM) plan established two tracks each for CINA Shelter (Tracks 3 and 7) and Non-Shelter (Tracks 4 and 8) cases. For both CINA Shelter and Non-Shelter cases, there are standard tracks (Tracks 3 and 4) and complex tracks (Tracks 7 and 8). Unlike standard cases, complex cases are designated as such because they require more Court resources and time for the proper resolution.

As shown in Table E.5, on average, the over-standard CINA Shelter cases took 3 times longer to close than the within-standard cases (60 vs. 19 days, respectively). For CINA Non-Shelter cases (see Table E.6), the average case time for the over-standard cases was 76 days, almost twice the length of the within-standard cases (39 days). Unlike FY06 in which all the complex cases (Tracks 7 and 8) for

CINA Shelter and Non-Shelter closed within-standard, some of the complex CINA Shelter and Non-Shelter cases closed over-standard in FY07 (N = 15 and N = 2, respectively). For over-standard CINA Shelter Track 7 cases, the average case processing time was 51 days and for the over-standard CINA Non-Shelter Track 8 cases, the average case processing time was 72 days. Tables E.5 and E.6 reveal that standard CINA Shelter and Non-Shelter cases comprised the majority of the over-standard terminations (82% and 67%, respectively).

Table E.5. FY07 CINA Shelter Case Terminations by Termination Status (Within or Over the 30-day Standard) and Track

	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 3	156	73%	37	86	55%	66%	17	70	45%	82%	61
Track 7	59	27%	30	44	75%	34%	23	15	25%	18%	51
Total	215	100%	35	130	60%	100%	19	85	40%	100%	60

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.
Note: Percentages do not always add to 100% due to rounding.

Table E.6. FY07 CINA Non-Shelter Case Terminations by Termination Status (Within or Over the 60-month Standard) and Track

	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 4	31	65%	43	27	87%	64%	38	4	13%	67%	79
Track 8	17	35%	45	15	88%	36%	41	2	12%	33%	72
Total	48	100%	44	42	88%	100%	39	6	13%	100%	76

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.
Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Case Start Time

Tables E.7 and E.8 provide information on case processing performance by case start time. According to the Maryland Circuit Courts Child Welfare Time Standards, case start time for CINA Shelter cases is the date of the shelter care hearing whereas for CINA Non-Shelter cases case start time is the service of the CINA petition.

Of the CINA Shelter cases that terminated during FY07, 19 of 215 (9%) started prior to FY07. The low frequency of CINA Shelter cases that started before FY07 was most likely due to the fact that the time standard for CINA Shelter cases is 30-days and therefore, most of the CINA Shelter cases starting prior to FY07 also closed before FY07. In fact, as is shown in Table E.7b, ninety-one percent of the CINA Shelter cases that closed in FY07 also began in FY07. Further, sixty-five percent of FY07 CINA Shelter terminations that began during the same fiscal year closed within-standard whereas 35% terminated over-standard. Among the within-standard CINA Shelter cases, the average case processing time of those that started before FY07 was eight days longer than for those that started during FY07 (27 days versus 19 days, respectively). The percentage of over-standard closures among CINA Shelter cases that started before FY07 was 89%, compared to 35% among those that started during FY07. The average case processing time for over-standard CINA Shelter cases that started before FY07 is 69 days

compared to 57 days for those that started during FY07. As would be expected, the case processing time for CINA Shelter cases that fall within- and over-standard was higher, on average, for those cases that began before FY07 as compared to those that began during FY07.

The data available for CINA Non-Shelter cases that started prior to FY07 was negligible as there was only one case falling into this category (see Table E.8a). In fact, 98% of CINA Non-Shelter cases (47/48) that terminated during FY07 also began during FY07. Of the CINA Non-Shelter cases filed during FY07 (N = 47), 87% (41/47) closed within-standard with an average case processing time of 39 days. Of the CINA Non-Shelter cases that started during FY07 (N = 47), 13% (6/47) closed over-standard with an average case processing time of 76 days.

Table E.7a. FY07 CINA Shelter Case Terminations by Case Start Time, Termination Status (Within or Over the 30-day Standard), and Track

Overall Terminations		<u>Start Before FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 3	156	19	100%	65	2	11%	27	17	89%	69
Track 7	59	0	---	---	0	0%	---	0	0%	---
Total	215	19	100%	65	2	11%	27	17	89%	69

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Table E.7b. FY07 CINA Shelter Case Terminations by Case Start, Termination Status (Within or Over the 30-day Standard), and Track.

Overall Terminations		<u>Start During FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 3	156	137	70%	33	84	61%	17	53	39%	59
Track 7	59	59	30%	30	44	75%	23	15	25%	51
Total	215	196	100%	32	128	65%	19	68	35%	57

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Table E.8a. FY07 CINA Non-Shelter Case Terminations by Case Start Time, Termination Status (Within or Over the 60-day Standard), and Track

Overall Terminations		<u>Start Before FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 4	31	1	100%	24	1	3.2%	24	0	---	---
Track 8	17	0	0%	---	0	0%	---	0	---	---
Total	48	1	100%	24	1	2.1%	24	0	---	---

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Table E.8b. FY07 CINA Non-Shelter Case Terminations by Case Start Time, Termination Status (Within or Over the 60-day Standard), and Track

Overall Terminations		<u>Start During FY07</u>								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 4	31	30	65%	44	26	87%	38	4	13%	79
Track 8	17	17	35%	45	15	88%	41	2	12%	72
Total	48	47	100%	44	41	87%	39	6	13%	76

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Trial Postponements

Overall, less than half (44%) of the CINA Shelter cases had trial postponements in FY07 (95/215). However, of those cases with trial postponements, 87% were over-standard (83/95). Similar to FY06, the majority of standard Track 3 CINA Shelter cases that had trial postponements in FY07 closed over-standard (93%). For complex Track 7 CINA Shelter cases that had trial postponements in FY07, 67% closed over-standard. Trial postponements may play a role in the case processing time for CINA Shelter cases.

Of those CINA Shelter cases with trial postponements, the majority of cases cited only one reason for the postponement (84%). Twelve cases (13%) cited two reasons for trial postponements and three cases (3%) cited three reasons (See Table E.10a). Similar to FY06, the most commonly cited trial postponement reason among CINA Shelter cases in FY07 was “Calendar Conflicts – Party Needs To Get Affairs In Order” (N = 52 for over-standard cases, N = 4 for within-standard cases), followed by “New Counsel Sought or Has Entered Their Appearance Or Not Appointed” (N = 6 over-standard cases, N = 1 for within-standard cases).

The association between trial postponements and over-standard terminations was less clear for the CINA Non-Shelter cases. Slightly over one third (35%) of the CINA Non-Shelter cases had trial postponements (17 of 48). Of those cases with trial postponements, the vast majority (71%) were from Track 4 (12/17). Of the 12 Track 4 Non-Shelter cases that were postponed, almost 70% (67%) still managed to close within the time standard. Of the 5 Track 8 Non-Shelter cases that had trial postponements, 4 cases (80%) closed within the time standard. Similar to CINA Shelter cases, the majority of CINA Non-Shelter cases cited one reason for trial postponements (94%) and only one case cited two reasons (see Table E. 10b). According to Table E.11b, the most frequently cited reason for trial postponements among the Non-Shelter cases was “Calendar Conflicts – Party Needs To Get Affairs In Order” (N = 3 for over-standard cases, N = 8 for within-standard cases).

In sum, trial postponements might explain, in part, why CINA Shelter cases only closed 60% within-standard. However, this explanation may not be sufficient for CINA Non-Shelter cases. It is important to note that in FY07 CINA Non-Shelter cases improved their within-standard case processing time by 5% between FY06 and FY07 (15% overall). According to Table E.9b, the overwhelming majority of CINA Non-Shelter cases with trial postponements closed within-standard (71%). It may be important to identify the factors that lead certain cases with postponements to close over-standard and other cases to close within-standard.

In CINA cases, there are a number of factors that may impact case processing time such as the number of children involved, the provision of out-of-the-court services such as mediation sessions, and associated scheduling conflicts. In fact, half of the CINA cases in FY07 attended mediation (132 of 263), which was 10% higher than the number of cases mediated in FY06 (98 of 243). Future analyses should explore the extent to which such factors may impact case processing time. Such analyses may provide insight on whether the case time for certain events such as mediation should be suspended when calculating the ACT or whether the State's time standard should be modified to account for additional events or situations related to particular cases. This is particularly pertinent for some jurisdictions such as Montgomery County where these services are automatically built in the initial scheduling, which inherently gives disadvantage of potentially extending the overall case time.

Table E.9a. FY07 CINA Shelter Case Terminations by Trial Postponements, Termination Status (Within or Over the 30-day Standard), and Track

<u>With Trial Postponements</u>										
Total Terminations		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total	ACT*	N	Track	ACT*	N	Track	ACT*
Track 3	156	74	47%	59	5	7%	22	69	93%	62
Track 7	59	21	36%	40	7	33%	19	14	67%	50
Total	215	95	44%	55	12	13%	21	83	87%	60
<u>Without Trial Postponements</u>										
Total Terminations		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total	ACT*	N	Track	ACT*	N	Track	ACT*
Track 3	156	82	53%	17	81	99%	17	1	1%	33
Track 7	59	38	64%	25	37	97%	24	1	3%	66
Total	215	120	56%	20	118	98%	19	2	2%	50

* ACT = Average case time, in days.

Table E.9b. FY07 CINA Non-Shelter Case Terminations by Trial Postponements, Termination Status (Within or Over the 60-day Standard), and Track

<u>With Trial Postponements</u>										
Total Terminations		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total	ACT*	N	Track	ACT*	N	Track	ACT*
Track 4	31	12	39%	56	8	67%	45	4	33%	79
Track 8	17	5	29%	63	4	80%	59	1	20%	77
Total	48	17	35%	58	12	71%	50	5	29%	78
<u>Without Trial Postponements</u>										
Total Terminations		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total	ACT*	N	Track	ACT*	N	Track	ACT*
Track 4	31	19	61%	35	19	100%	35	0	0%	---
Track 8	17	12	71%	38	11	92%	35	1	8%	66
Total	48	31	65%	36	30	97%	35	1	3%	66

* ACT = Average case time, in days.

Table E.10a. Postponed CINA Shelter Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Cases		Over-Standard Cases		% of Over-Standard Cases/All Cases
	N	%	N	%	
1	80	84%	69	83%	86%
2	12	13%	11	13%	92%
3	3	3%	3	4%	100%
Total	95	100%	83	100%	87%

Note: Percentages do not always add to 100% due to rounding.

Table E.10b. Postponed CINA Non-Shelter Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Terminations		Over-Standard Terminations		% of Over-Standard Terminations
	N	%	N	%	
1	16	94%	4	80%	25%
2	1	6%	1	20%	100%
Total	17	100%	5	100%	29%

Note: Percentages do not always add to 100% due to rounding.

Table E.11a. Reasons for Trial Postponements by Termination Status for CINA Shelter Cases, FY07

Reason for Trial Postponement	All Cases		Over-Standard Cases		% of Over-Standard/All Cases
	N	(%)	N	(%)	
1 Calendar Conflicts - Party Needs to Get Affairs In Order	56	50%	52	52%	93%
2 New Counsel sought or has entered their appearance or not appointed	23	20%	18	18%	78%
3 Parent not present	7	6%	6	6%	86%
4 Increase/decrease court time/track change/postpone behind another case	4	4%	4	4%	100%
5 Reports and evaluations not completed/reevaluation ordered	6	5%	6	6%	100%
6 Illness, Medical Emergency, or Death	3	3%	3	3%	100%
7 Party did not receive notice of court date or they were not served	2	2%	1	1%	50%
8 Discovery/ADR incomplete and/or Discovery Disputes/Additional Time needed to prepare	3	3%	3	3%	100%
9 Interpreter or ADA Special Needs Requested	2	2%	2	2%	100%
10 Forensic Evidence Incomplete	4	4%	2	2%	50%
11 Other	3	3%	3	3%	100%
Total	113	100%	100	100%	88%

Note: Percentages do not always add to 100% due to rounding.

Table E.11b. Reasons for Trial Postponements by Termination Status for CINA Non-Shelter Cases, FY07

Reason for Trial Postponement		All Cases		Over-Standard Cases		% of Over-Standard/All Cases
		N	(%)	N	(%)	
1	Calendar Conflicts - Party Needs to Get Affairs In Order	11	61%	3	50%	27%
2	Increase/decrease court time/track change/postpone behind another case	3	17%	0	---	---
3	Witness Unavailable - New Witness Identified	2	11%	1	17%	50%
4	Interpreter or ADA Special Needs Requested	1	6%	1	17%	100%
5	New Complaint, Petition, 3rd Party Complaint, or Consolidation Pending/Complaint Not at Issue or Ripe	1	6%	1	17%	100%
Total		18	100%	6	100%	33%

Note: Percentages do not always add to 100% due to rounding.

Summary of CINA Shelter and CINA Non-Shelter Findings

- Sixty percent of CINA Shelter cases closed within the 30-day standard, and 88% of the CINA Non-Shelter cases closed within the 60-day standard. However, both failed to meet the state compliance rate of 100%.
- About one-quarter of the over-standard CINA Shelter cases closed within two weeks over standard (N = 24) and almost three-fourths closed within a month over standard (N = 71). All of over-standard Non-Shelter cases (N = 6) closed within three weeks of being over-standard.
- Overall, case processing performance with CINA Shelter cases has declined from FY05 to FY07. The overall ACT for total CINA Shelter terminations increased, to above the 30-day standard, in FY07. However, there has been minimal (if any) change in ACT for within-standard CINA Shelter cases since FY05. There has been a slight, continual increase in the ACT over time for CINA Shelter cases that closed over-standard.
- Case processing performance for CINA Non-Shelter case processing performance improved substantially between FY06 and FY07. This is in contrast to FY06 in which CINA Non-Shelter case processing performance decreased substantially. Given the variability in over-standard CINA Non-Shelter cases additional data over the next few fiscal years will help provide additional insight as to the “true” processing level of CINA Non-Shelter cases.
- The majority of over-standard CINA Shelter and Non-Shelter cases were from standard Shelter and Non-Shelter tracks. Unlike FY06 in which all complex Shelter and Non-Shelter cases closed within-standard, 18% of complex Shelter and 33% of complex Non-Shelter cases closed over-standard.
- Forty-four percent of CINA Shelter cases had trial postponements, and 87% of them closed over-standard. Eighty-three percent of the over-standard cases (69/83) were standard CINA Shelter cases (Track 3 cases).
- In FY07, the majority of CINA Non-Shelter cases with trial postponements closed within-standard (71%). Eighty percent of the over-standard CINA Non-Shelter cases (4/5) with trial postponements were from standard CINA Non-Shelter Cases (Track 4 cases).

CINA Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time.

- Identify the postponement reasons associated with standard CINA Shelter and CINA Non-Shelter cases.
- Examine the relationship between mediation as well as other court programs and case processing time.
- Examine the costs and benefits associated with within- and over-standard case processing times.
- Re-analyze the distribution of case processing times for CINA Non-Shelter cases given the variability in ACT that has occurred over the past few fiscal years.

Termination of Parental Rights (TPR) Fiscal Year 2007 Case Terminations

F. TPR Case Processing Definitions and Summary

	TPR Case Time Definitions	Percent Within Standard	Additional Montgomery County Measurements
TPR	<u>Case Time Start:</u> TPR Petition Filed. <u>Case Time Stop:</u> Ruling on Petition (guardianship judgment/degree).	<u>State-Set Goal:</u> 100% within 180 days <u>Montgomery County:</u> FY 2005: 60% FY 2006: 56% FY 2007: 42%	<u>Average Case Processing Time:</u> FY 2005: 179 days FY 2006: 169 days FY 2007: 208 days
Note: TPR case processing time is suspended for interlocutory appeal and military leave.			

Overall TPR Case Terminations

There were 31 Termination of Parental Rights (TPR) original case closures¹² by Montgomery County Circuit Court in FY07, which were 13 more than had terminated in FY06. Only 42% of the TPR cases (N = 13) closed within-standard, which was 14% less than what was achieved in FY06. In addition, the Court's overall average case processing time (ACT) for TPR cases was well above the 180-day standard at 208 days (see Table F.1), which was also higher than the 169 days achieved for TPR cases in FY06.

Table F.1. Number of TPR Case Terminations FY05 to FY07

Terminations			Within-Standard Terminations (180-day Standard)			Over-Standard Terminations (180-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	40	179	24	60%	129	16	40%	255
FY06	18	169	10	56%	127	8	44%	222
FY07	31	208	13	42%	134	18	58%	260

* ACT = Average Case Time, in days.

¹² For the purposes of this report, "closure" in TPR cases represents the court's ruling on petition or its final order as defined by the Maryland Judiciary for the sole purpose of the Maryland Caseflow Assessment.

In FY06, the overall ACT improved from 179 days in FY05 to 169 days in FY06, largely due to a 50% decrease in the number of over-standard cases (16 in FY05, 8 in FY06), and the shorter ACT for the over-standard cases. In contrast, in FY07, the overall ACT did not improve. In fact, the ACT for total TPR terminations increased from 169 days in FY06 to 208 days in FY07, largely due to the 125% increase in the number of over-standard cases (8 in FY06, 18 in FY07), and the 17% increase in the ACT for the over-standard cases (See Table F.2).

The TPR cases that were over-standard in FY06 had an average case processing time of 222 days compared to 260 days for over-standard cases in FY07. As noted above, this reflected a 38 day, or 17%, increase in the ACT for over-standard TPR terminations (see Table F.2). The increased ACT for total TPR terminations in FY07 may have been substantially impacted by this increase in over-standard terminations. There was also an almost three-fourths increase in the overall terminated TPR caseload between FY06 and FY07 (72%).

The trend in the ACT for TPR cases since FY05 has varied. Between FY05 and FY06, there was a decline in the overall number of terminated TPR cases as well as in the ACT, which alluded to improvements in case processing performance. Specifically, between FY05 and FY06, there was a 50% reduction in the number of over-standard TPR cases and a 13% reduction in the over-standard ACT. While there has been a 28% decline in the overall number of TPR cases since FY05, the ACT for total TPR terminations has increased by 16% between FY05 and FY07. As reflected in Table F.2, the ACT for within-standard TPR cases has increased by 4% between FY05 and FY07 as well as the ACT for over-standard terminations (2%). Given the low number of TPR terminations in FY06 (18) as compared to FY05 (40) and FY07 (31), caution should be used when comparing case performance across fiscal years. If we assume that the “average” number of TPR cases terminated in a particular fiscal year is closer to 31 days (i.e., the number of cases closed in FY07), there was a less substantial increase in ACT between FY05 and FY07 (16%) as compared to FY06 and FY07 (23%) but an increase nonetheless.

Table F.2. Number of TPR Case Terminations FY05 to FY07

	Total Terminations		Change In Within-Standard Terminations (180-day Standard)		Change in Over-Standard Terminations (180-day Standard)	
	N	ACT*	N	ACT	N	ACT
TPR						
FY05-FY06	-22	-10	-14	-2	-8	-33
Change	(-55%)	(-6%)	(-58%)	(-2%)	(-50%)	(-13%)
FY06-FY07	13	39	3	13	10	38
Change	(72%)	(23%)	(30%)	(10%)	(125%)	(17%)
FY05-FY07	-11	29	-11	5	2	5
Change	(-28%)	(16%)	(-46%)	(4%)	(13%)	(2%)

* ACT = Average Case Time, in days.

Current Maryland State Case Processing standards set the case start time for TPR cases at the filing of the TPR petition and the case stop time at the ruling on the petition and stipulate that the case be closed within 180 days to reflect the legislative intention, the protection of the welfare of children involved in these cases. From a judicial case processing perspective, including the time that a court is largely forced to wait and remain inactive, such as the time between case filing and service, in the calculation of case time seems to confound the accurate calculation of the case processing time. This is particularly true for TPR case where cases often are delayed due to difficulties in locating and serving

parents. We calculated the TPR case processing time by using the service date of the show cause order¹³ as the case start date and compare this hypothetical case processing time with the original case processing time. First, as Table F2a below indicates, among 26 cases for which service was provided, on average 55% (115 of 210 days) were spent between filing and service.¹⁴ Second, regardless of the case termination status, over 50% of the original case processing time was spent for serving parties. Third, both the time spent for serving parties and the time from service to final order of over-standard cases are at least 1.7 times greater than those of within-standard cases. Thus, over-standard cases take more time in serving parties *and* processing cases than within-standard cases do.

In order to assist Montgomery County Family and Juvenile Divisions in their ability to improve case processing performance for TPR cases, additional analyses may need to be performed which excludes any time between TPR filing and service for which the Court does not have control. For instance, if a sub-analysis could be performed excluding the time for the objection period following service on the show cause order, the Court may be able to clearly identify gaps in case processing performance and develop strategies to fill those gaps. However, at the same time, a qualitative analysis of TRP cases that characterizes those closed within-standard versus over-standard may also be useful to identify factors likely to force cases to take additional time in service and court proceedings since over-standard case appear to take more time in both before and after service than within-standard cases do.

Table F2a. TPR Average Case Processing Time, Time from Filing to Service, and Time from Service to Final Order by Case Termination Status, FY2007

Case Termination Status	N	Case Processing Time			% of Case Processing Time Used for Filing to Service
		Overall	From Filing to Service	From Service to Final Order	
Within-Standard	12	142	74	68	52%
Over-Standard	14	268	151	117	56%
Overall	26	210	115	94	55%
Over-Standard/ Within-Standard		1.9	2.1	1.7	

Case Terminations by Case Start Time

Tables F.3 provides information on case processing performance by case start time. According to the Maryland Circuit Courts Child Welfare Time Standards, case start time for TPR cases is the date the TPR petition is filed. Of the TPR cases that terminated during FY07, 12 of 31 (39%) started prior to FY07 and all closed over-standard with an ACT of 270 days (90 days above standard). As is shown in Table F.3, sixty-one percent of the TPR cases that closed in FY07 also began during FY07. Further, of those TPR terminations that started during FY07, 68% closed within-standard whereas 32% terminated over-standard. The percentage of over-standard closures among TPR cases that started before FY07 was 100%, compared to 32% among those that started during FY07. The ACT for over-standard TPR that started before FY07 was 270 days compared to 242 days for those that started during FY07. As expected, the case processing time for TPR cases that closed over-standard was higher, on average, for those cases that began before FY07 as compared to those that began during FY07. It would be interesting to explore the extent to which aspects of the case (e.g., the number of

¹³ For this particular sub-analysis, the service date of the show cause order is defined as the date after the all objection periods during which served parties were allowed to file an objection to the TPR petition, given all parties had been served.

¹⁴ Of the original 31 TPR cases, 5 cases were dismissed before all parties were served. The present analysis excluded these cases, making the total number of cases 26.

children involved, the number of mediation sessions, and scheduling conflicts) impacted the processing time.

Table F.3. FY07 TPR Case Terminations by Case Start Time, Termination Status (Within or Over the 180-day Standard), and Track

Total Terminations		Start Before FY07									
		Overall Terminations				Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	% of Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 9	31	12	100%	39%	270	0	---	---	12	100%	270
Total	31	12	100%	39%	270	0	---	---	12	100%	270
Total Terminations		Start During FY07									
		Overall Terminations				Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	% of Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 9	31	19	100%	61%	168	13	68%	134	6	32%	242
Total	31	19	100%	61%	168	13	68%	134	6	32%	242

* ACT = Average Case Time, in days.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Trial Postponements

Tables F.4 through F.6 provide information on TPR case termination postponements. Only 8 of the 31 TPR cases (26%) that terminated during FY07 had one or more trial postponements, and most of the cases identified one reason for the trial postponement (88%). Most of the TPR cases with trial postponements closed within-standard (7/8). That is, of those TPR cases with trial postponements, only 13% closed over-standard. Interestingly, similar to FY07 civil and juvenile delinquency terminations, the average case processing time for over-standard TPR cases was larger among cases without postponements compared to those with postponements (262 days versus 226 days). Furthermore, there were more over-standard TPR cases without trial postponements than there were over-standard cases with trial postponements.

The single over-standard case that was postponed cited “Calendar Conflicts – Party Needs To Get Affairs In Order” as the reason for the postponement. It did not appear that trial postponements had a substantial impact on performance given that the ACT for over-standard cases with trial postponements was less than the ACT for over-standard cases without trial postponements (226 days and 298 days, respectively).

Table F.4. FY07 TPR Case Terminations by Trial Postponements, Termination Status (Within or Over the 180-day Standard), and Track

<u>With Trial Postponements</u>										
	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 9	31	8	26%	150	7	88%	140	1	13%	226
Total	31	8	26%	150	7	88%	140	1	13%	226
<u>Without Trial Postponements</u>										
	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 9	31	23	74%	227	6	26%	128	17	74%	262
Total	31	23	74%	227	6	26%	128	17	74%	262

* ACT = Average case time, in days.

Table F.5. Postponed TPR Cases by the Number of Trial Postponements and Termination Status, FY07

Number of Postponements	All Cases		Over-Standard Cases		% of Over-Standard Cases/All Cases
	N	%	N	%	
1	7	88%	---	---	---
2	1	13%	1	100%	100%
Total	8	100%	1	100%	13%

Note: Percentages do not always add to 100% due to rounding.

Table F.6. Reasons for Trial Postponements by Termination Status for TPR Cases, FY07

Reason for Trial Postponement		All Cases		Over-Standard Cases		% of Over-Standard/All Cases
		N	(%)	N	(%)	
1	Calendar Conflicts - Party Needs to Get Affairs In Order	4	44%	1	50%	25%
2	Parent Not Present	2	22%	0	0%	0%
3	Reports and Evaluations Not Completed/Re-Evaluation Ordered	2	22%	1	50%	50%
4	New Counsel Sought or Has Entered their Appearance or Not Appointed	1	11%	0	0%	0%
Total		9	100%	2	100%	22%

Note: Percentages do not always add to 100% due to rounding.

Summary of TPR Findings

- In FY07, only 42% of TPR cases closed within-standard, which is 14% fewer than closed within-standard in FY06. The Circuit Court has yet to meet the State defined goal of closing 100% of TPR cases within-standard.
- Of the TPR cases that terminated during FY07, 12 of 31 (39%) started prior to FY07 and all closed over-standard with an ACT of 321 days (141 days above standard).
- Twenty-six percent of TPR cases had one or more postponements (8/31). Of the TPR cases with postponements, only one closed over-standard.

- It does not appear that trial postponements have a substantial impact on performance given that the ACT for over-standard cases with trial postponements is less than the ACT for over-standard cases without trial postponements (226 days and 262 days, respectively).

TPR Improvement Initiatives

- Examine all postponements, not simply trial postponements, in order to accurately assess the impact of postponements on case processing time.
- Analyze the impact of postponements on case processing time only for those instances where the time associated with the postponement is not suspended.
- Analyze the over-standard cases without postponements and identify what caused them to close over-standard, as well as to experience a longer processing time than postponed cases.
- Before changing the case start time for TPR cases, conduct an historical analysis of the difference in case processing time when the date of service versus the date of TPR petition is used as the clock start time.